



# **THE RUDERMAN WHITE PAPER ON MEDIA COVERAGE OF LAW ENFORCEMENT USE OF FORCE AND DISABILITY**

## **a Media Study (2013-2015) and Overview**

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## THE RUDERMAN FAMILY FOUNDATION

One of our goals at the Ruderman Family Foundation is to change the public’s awareness of people with disabilities. More specifically we make the argument that full inclusion of people with disabilities is not a matter of charity, but of civil rights. We commissioned the research of this White Paper in order to further the awareness around this civil rights movement. We believe that the results that David Perry and Lawrence Carter-Long found will meaningfully contribute to the conversation of police violence against people with disabilities as a civil rights issue that needs to be addressed more systematically by the media as well as political leaders.

### Our Mission

The Ruderman Family Foundation believes that inclusion and understanding of all people is essential to a fair and flourishing community.

Guided by our Jewish values, we support effective programs, innovative partnerships and a dynamic approach to philanthropy in our core area of interest: advocating for and advancing the inclusion of people with disabilities in our society.

The Foundation provides funding, leadership, expertise and insight in both the U.S. and Israel, with offices in both countries. Visit us at: <http://www.rudermanfoundation.org>

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The views expressed in this document are solely those of the authors.

## **LANGUAGE DISCLAIMER**

We at the Ruderman Family Foundation want to acknowledge that language use in the context disabilities is an important issue that generates both strong discussion and strong feelings. The most frequent point of contention is whether people-first or identity-first language should be used. While it is our policy at the Ruderman Family Foundation to use people-first language, we acknowledge that several segments of the disability community prefer identity-first language. The authors of this Ruderman White Paper have chosen to use identity-first language which is bound not to be favored by other segments of the disability community. We are aware of these differences and, in the absence of any consensus, acknowledge and respect both perspectives.

The Ruderman Family Foundation and the writers of the Ruderman White Paper denounce the use of any stigmatizing or derogatory language.

## **EXECUTIVE SUMMARY**

### **Disability is the missing word in media coverage of police violence.**

Disabled individuals make up a third to half of all people killed by law enforcement officers. Disabled individuals make up the majority of those killed in use-of-force cases that attract widespread attention. This is true both for cases deemed illegal or against policy and for those in which officers are ultimately fully exonerated. The media is ignoring the disability component of these stories, or, worse, is telling them in ways that intensify stigma and ableism.

When we leave disability out of the conversation or only consider it as an individual medical problem, we miss the ways in which disability intersects with other factors that often lead to police violence. Conversely, when we include disability at the intersection of parallel social issues, we come to understand the issues better, and new solutions emerge.

### **Contents**

Disability intersects with other factors such as race, class, gender, and sexuality, to magnify degrees of marginalization and increase the risk of violence. When the media ignores or mishandles a major factor, as we contend they generally do with disability, it becomes harder to effect change.

This white paper focuses on the three years of media coverage of police violence and disability since the death of a young man with Down syndrome, named Ethan Saylor, in January 2013. After reviewing media coverage of eight selected cases of police violence against individuals with disabilities, the paper reveals the following patterns in the overall data:

- Disability goes unmentioned or is listed as an attribute without context.
- An impairment is used to evoke pity or sympathy for the victim.
- A medical condition or “mental illness” is used to blame victims for their deaths.
- In rare instances, we have identified thoughtful examinations of disability from within its social context that reveal the intersecting forces that lead to dangerous use-of-force incidents. Such stories point the way to better models for policing in the future.

We conclude by proposing best practices for reporting on disability and police violence.

## **Content Analysis**

How often do American police use force against disabled civilians? No one knows because we lack comprehensive data sets. Currently, there is no legal requirement for local, state or federal law enforcement agencies to aggregate or collect the number, type, and result of violent incidents that occur between police officers and disabled people. From a purely practical standpoint, those who seek to track, monitor, and/or analyze trends related to police violence and disability are limited to collecting the data themselves from print and online media coverage.

From individual cases to a broad analysis of media representation of incidents of police violence against disabled people, we have compiled and summarized media coverage of stories about police violence and disability by year, organized the stories into various categories, and offered brief commentary on a few examples.

Our review and analysis reflects the patterns of media coverage on issues related to disability and police violence. Generally speaking, reporting on police violence against disabled people includes the date of the incident along with specific details about when and where the event occurred. Using this as our starting point, we added the reactions of law enforcement agencies and community responses to allegations of police violence as reported wherever possible.

We close by offering some ideas for “best practices” that journalists might consider when reporting cases linking police violence and disability.

As an addendum to this white paper, we have prepared an online spreadsheet which can be searched by name, date, state, and disability.

## **Conclusion**

Twenty-five years after the U. S. Congress passed the Americans with Disabilities Act, notions of disability continue to evolve. An increasingly powerful set of concepts, they push us to redefine how to build an inclusive society that is accessible to all.

When disabled Americans get killed and their stories are lost or segregated from each other in the media, we miss an opportunity to learn from tragedies, identify patterns, and push for necessary reforms.

**Disability rights are civil rights. Disability rights are human rights and disability justice is intersectional.**

The needs of disabled people aren't special. There is nothing special about not wanting to be shot. What disabled people seek are the same things (employment, education, access, consideration, respect, etc.) that non-disabled people likewise desire. The obstacles faced by disabled people, though, too often go unseen. The language used to report issues that confront disabled people—especially issues linked to injury and death—should reflect that disparate reality.

## SECTION ONE: INTRODUCTION

Eric Garner was killed on July 17, 2014. The outcry, protest, and eventually national conversation about policing started almost a month later, after Michael Brown died on August 9, but Garner was the harbinger. His death primed Black America to respond to Ferguson with public and sustained outrage, demanding change. A few weeks after Brown died, police killed Kajieme Powell in St. Louis. Tanesha Anderson was thrown to the ground and killed a few months later. In the Spring, Freddie Gray's death inflamed Baltimore and quickly pushed the conversation around #BlackLivesMatter forward. Last summer, #SayHerName, a campaign around awareness of state violence against black women, gained widespread attention after Sandra Bland's death in police custody.

Along with 12-year-old Tamir Rice, these are the names of the highest profile victims of police violence from the summer of 2014 to the summer of 2015. Unremarked by the vast media coverage of these individuals' lives and death is one important connection: Garner, Powell, Anderson, Gray, and Bland were not just African-Americans; they were *disabled* African-Americans. In fact, roughly a third to a half of all people killed by police are disabled. Many more disabled civilians experience non-lethal violence and abuse at the hands of law enforcement officers.

Although hard to quantify, this high ratio of disabled individuals in “ugly use-of-force” incidents—cases in which the public reacts negatively to police decisions to deploy lethal force regardless of the legality—is likely not a coincidence. Disability-related incidents often contain elements, discussed below, that evoke public sympathy and reveal police mistakes or even misconduct, while derailing some of the typical defenses of police over use of force.

Last May, Jay Ruderman, President of the Ruderman Family Foundation, [wrote an op-ed for \*The Hill\* on police violence against people with disabilities](#). Ruderman, along with co-author Jo Ann Simons, called for a national conversation:

about the rights of many others among us who also face severe disadvantage and marginalization. We must talk about how we can include them in the mainstream of society. We shouldn't wait for the next casualty.

The Ruderman Family Foundation believes that inclusion and understanding of all people is essential to a fair and flourishing community. Inclusion is impossible, though, under these circumstances. Not only are people with disabilities at risk, but the general public is unaware of those risks. The media must tell these stories as clearly as possible and help pave the pathway toward a more inclusive society.

**Disability is the missing word in media coverage of police misuse of force.** The goals of this white paper are to demonstrate the relative lack of disability coverage in stories about police violence, criticize the coverage that fails to reflect the disability community’s best practices in language, and explain why this poor coverage hinders the project of finding solutions.

When the media recognizes the presence of disability in an incident, a rare enough event, stories too often describe mental illness or medical disabilities in ways that blame people for their own violent deaths at the hands of law enforcement. When we leave disability out of the conversation or only consider it as an individual medical problem, two things happen.

First, people with disabilities are more likely to be unjustly harmed by law enforcement.

Second, missing the ways that disability intersects with other factors makes it harder to improve outcomes in any context. When we include disability at the intersection of broader social issues, we come to understand the issues better, and new solutions emerge.

### **Methodology**

This paper is an intersectional study. Intersectionality is a concept pioneered by feminist scholar Kimberlé Crenshaw in a 1989 article on the [intersections of racism and sexism in black women’s experiences](#). Since then, the concept has been applied to look broadly at the ways oppressive forces intersect in our family. Taking an intersectional approach allows us to examine the roles of ableism—individual or structural discrimination against people with disabilities—in police use of force, without ignoring racism, classism, sexism, or other relevant issues.

We argue that disability intersects with other factors (such as race, class, gender, and sexuality) to magnify degrees of marginalization and enhance risk of violence. When the media ignores or mishandles a major factor, as we contend they generally do with disability, it becomes harder to effect change. We also operate from a broad, cross-category, set of definitions for disability, inclusive of physical, developmental, intellectual, psychiatric, emotional, and any other form of disability that might fall under the Americans with Disabilities Act (ADA).

This white paper focuses on the last three years, beginning with the death in January 2013 of a young man with Down syndrome named Ethan Saylor. It looks at the media coverage of eight selected cases (though slightly more than eight people) of police violence against



specific individuals with disabilities, and then locates the following patterns in the overall data:

- Disability goes unmentioned or is listed as an attribute without context.
- An impairment is used to evoke pity or sympathy for the victim.
- A medical condition or “mental illness” is used to blame victims for their deaths.
- In rare instances, we have identified thoughtful examinations of disability from within its social context that reveal the intersecting forces that lead to dangerous use-of-force incidents. Such stories point the way to better models for policing in the future.

At the end, we will propose some best practices for reporting on disability and police violence.

## SECTION TWO: OVERVIEW OF POLICE VIOLENCE, DISABILITY, AND MEDIA COVERAGE

How often do American police use force against disabled civilians? The truth is nobody knows. Police generally haven't had to report how they use force, even in lethal incidents, so we rely on journalists and a few state agencies to generate data. Studies range from 27% (a low number focusing only on mental illness) to 81% (a high number lumping together mental illness and substance abuse). **It is safe to say that a third to a half of all use-of-force incidents involve a disabled civilian.**

As reported by [Brian Burghart](#) (curator of [fatalencounters.org](#)), police departments may report voluntarily on killings, but before the passage of the [2014 Death in Custody Reporting Act](#) there was no *requirement* to do so. Even now, it's not clear the extent to which the act might help, as just knowing a death took place is less useful than being able to analyze cases by such categories as race, weapon, or, for our purposes, disability.

### Finding the Data

We do have some ways to access better numbers. Since Burghart's report and the sustained media focus on police violence at the end of last year, several journalistic organizations have been joining Burghart in counting police-related fatalities in 2015. *The Guardian* published "The Counted," a database of people killed by police totaling 1,101 as of December 21, 2015. *The Washington Post* has compiled a similar database of individuals shot (focusing on firearms as opposed to all fatalities) – 944 in the same period. "[The Counted](#)" tracks 27% of all individuals killed by police in 2015 as having "mental health" issues, or 270 people. *The Washington Post* currently reports 235 individuals with "signs of mental illness" shot by police.

To put these numbers in context, according to 2014 figures from the National Institute on Mental Health, the best available estimate of the number of adults with any diagnosable mental disorder during that year was nearly 1 in 5 Americans, roughly 19% totaling an estimated 43 million people.

The *Post* report, "[Distraught People, Deadly Results](#)," on July 1, 2015, offered a look at the first 124 "distraught" individuals shot by police, opening with, "It was not yet 9 a.m., and Gary Page was drunk. The disabled handyman had a long history of schizophrenia and depression and, since his wife died in February, he had been struggling to hold his life together." The article's use of the word "disabled" in the opening is notable, as is its acknowledgment of the ways that substance abuse can intersect with psychiatric disability.

Overall, the piece tells the story of some of the individuals who were “in the throes of mental or emotional crisis.” Both databases do a good job of revealing the most common type of killing: An individual enters a mental health crisis, acquires a weapon (from firearms to household implements or tools), and is shot by law enforcement.

Limited studies from previous years complement our most recent data. A report by the [Portland Press Herald](#) found 42% of all killings between 2000 and 2011 involved mental illness. The San Diego County Attorney’s Office studied [all officer-involved shootings from 1993-2012](#), 358 cases total, and found that 81% had mental illness, were impaired by drugs, or both. U.S. Department of Justice studies of [Cleveland](#), [Portland, OR](#), and [Albuquerque](#) have each specifically discussed fatalities involving mental illness, though the studies have shied away from giving precise numbers.

### **Police as Healthcare Workers**

Behind these numbers is a pattern in which police have become the default responders to mental health calls. In an amicus brief for the Supreme Court hearing of [Sheehan v. San Francisco](#), a case on the extent to which the ADA applies to policing, the [American Psychological Association wrote](#) that many police officers now spend more time “Responding to calls involving mental illnesses than they do investigating burglaries or felony assaults.” [In a letter](#) to the President’s Task Force on 21st Century Policing, Robert Bernstein, CEO of the Bazelon Center for Mental Health Law, writes:

Law enforcement’s role in responding to individuals with mental illness has increased over the last several decades, as more people with such disabilities are living and receiving services in the community. Community mental health systems lack the resources they need and, as a result, many individuals with mental illness are homeless or unemployed, circumstances that correlate with encounters with police.

Most recently, the Treatment Advocacy Center (TAC) published “[Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters](#).” It cited the 25% figure, arguing that it was the most conservative estimate available, noting that 1 in 5 of all inmates have mental illness, and 1 in 10 of all police encounters involved mental illness. In their opening, the authors write:

*Given the prevalence of mental illness in police shootings, reducing encounters between on-duty law enforcement and individuals with the most severe psychiatric diseases may represent the single most immediate, practical strategy for reducing fatal police shootings in the United States [emphasis theirs].*

This major aspect of the problem is increasingly well known, if still marginal to the broader conversations about police use of force. It's telling, though, that the word "disability" does not appear in the TAC report, except in the context of something that might occur as a result of being injured in a use-of-force incident (to both law enforcement and civilian). In fact, "mental illness" is only one trackable type of way that disabled individuals come into potentially violent contact with police. So while 25% might be accurate for "mental illness" in 2015, the overall numbers may well be higher.

Disability is a universal part of the human condition. Notice that people like Eric Garner, Freddie Gray, and Sandra Bland were all disabled, but because they weren't killed in a mental health crisis, they are not included as part of that 25%. This reflects a parallel in the ways that stories detailing violent incidents between police and disabled people have, to date, been covered in and by the media.

### **The Problem with the Medical Model of Reporting**

We need to escape the pattern of "mental illness" and think instead about disability. In America we try to cure illness, but we are obligated to accommodate disability. Thanks to the transformations of the ADA, more people believe it's necessary to build an inclusive society. While there's still plenty of work to do, we've come far in terms of public space, education, and even the workplace. Disabled civilians have the right to interact with police forces with as much safety as any other individual. To make that possible, the media will need to stop treating these cases as either isolated incidents or a problem of dangerously "crazy" people who need to be contained, but rather as linked, intersectional, issues.

Reporting on disability and police violence takes place in a context of broader problems in our media coverage of disability. The broad patterns of language and representation we use to discuss disability shape the way we respond to individual cases. In any advocacy effort, understanding the systemic issues and the language we use to describe them informs the drive for societal change.

The American media generally depicts disability through the lens of impairment, making the medical condition of the disabled person the primary focus of the story. Positive coverage of disability tends to oscillate between simplistic favorable depictions of disabled people "overcoming" their impairment or non-disabled people being lauded as heroes for helping the impaired function.

In the activist community, such stories are frequently termed "[inspiration porn](#)." Negative coverage, on the other hand, emphasizes inability, restrictions, pain, and suffering,

sometimes called “tragedy porn.” Such stories use the disabled person as an object in order to make the reader feel certain ways about themselves, rather than telling genuine stories about disability.

This is what has commonly become known as the “medical model” of disability, in which any given problem, occurrence, or incident is automatically and uncritically viewed as a direct result of their physical and/or mental impairment rather than other societal factors, such as lack of forethought or unexamined privilege. It stands in contrast to a “social model” of disability, in which we look at the ways society disables people with diverse bodies or minds. Such societal disabling can emerge from the built environment—lack of curb cuts, ramps, elevators, Braille, captioning, etc.—or from prejudice, assumptions, discrimination, and outright bias (also known as ableism). Most disability journalism depends on the medical model.

### **The Role of Modern Media in the Reporting Shift**

Even with the adoption and ubiquity of the internet and social media, the evolving landscape of print and online media continues to play an important part of our everyday lives perhaps precisely *because* of the manner in which the news is consumed, disseminated, and shared. Stories and incidents that very likely would not have been anything more than a mention in the “police blotter” of a community newspaper just a decade ago can now be shared by community members, activists and researchers worldwide in the blink of an eye or click of a mouse. The Ethan Saylor case, in which a local tragedy generated over 300,000 signatures on an online petition, compelled the governor to meet with the family, and sparked a state-wide reform movement, is a perfect example. In a previous era, Saylor’s death would likely have gone unremarked upon outside Frederick, MD, and perhaps a small segment of the Down syndrome community. Instead, it galvanized a movement.

Overall, the coverage of disability issues has followed the broader pattern of the disability rights movement, but inertia in the newsroom has caused it to lag behind. Since the mid-1970's there has been a vocal and increasing effort by the disabled community to push society at large to recognize disabled people as peers and equal in status to non-disabled people. Part of that push requires examining the cultural norms that create a mindset that limits, diminishes, and devalues.

The media, composed almost solely of individuals who neither identify as disabled nor recognize disability as an identity, has remained devoted to the medical model. The good news is that the advent of community media outlets—from blogs, tumblrs, social media accounts, and more formal publications—has given the community power to shape

coverage and interpretation. Slowly, the social model of disability has begun to inform media coverage.

Disability is an inclusive term. In the United States, the Centers for Disease Control and Prevention reports that one out of every five adults has a disability. Everyone is, at most, one degree of separation from disability, and thus it remains the only minority one can join in an instant. If we're lucky, each of us will live long enough to experience disability at some point in our lives, if we haven't already.

Approximately 80% of those who are disabled aren't born that way, but become so later in life as a result of aging, accident, service-related injury, or illness. Even more are affected by disability through the birth of a disabled child, aging parent, or other family member, or when a loved one returns from military service with a traumatic brain injury, amputation, psychiatric disorder or other disabling condition. This much is clear: You don't have to be a person with a disability to have disability affect you personally. Odds are it already does.

### **The Future of the Media Narrative**

Just as expectations for disabled people have changed in terms of employment, education, and community living, the social model of disability must also inform a media narrative that recognizes the centrality of disability to our conversations about police use of force. That's the only way we can come together and create meaningful solutions that benefit us all.

Most of all, the high rate of incidence of violence experienced by disabled individuals at the hands of law enforcement is a true story. The media, from local news to the big nationals, must do more to tell this story accurately and in ways that reflect the civil, social, and ethical concerns faced by this population.

## SECTION THREE: CASE STUDIES

### Seeing the Connections

One of the challenges faced by reporters is that disabilities can seem very different from each other. They are different, especially when we look at disability through the “[medical model of disability](#),” focusing on medical problems or conditions of individuals rather than on the way that society is designed largely for the physically and neurologically typical. Except for “mental illness,” which gets lumped together too often, journalists, in particular local journalists focused on specific cases, tend not to see the connections. One goal of this white paper is to make those connections more evident.

In this section, we examine the coverage of some major cases from the last few years, grouping them by type of disability. We begin with Ethan Saylor, a man with Down syndrome who was killed in Maryland in January, 2013. For many people in the disability community, especially those from otherwise privileged backgrounds, Saylor’s death was a turning point in their awareness of police violence issues.

Next we turn to Reginald “Neli” Latson, an autistic man in Virginia. What should have been a casual encounter with a police officer turned violent, leaving Latson in jail and the officer badly hurt. Ruth Marcus’ work on his case, for the *Washington Post*, greatly exceeds in quality the usual reporting on such episodes.

Then we will turn to the high-profile deaths of Eric Garner, Freddie Gray, and Sandra Bland—cases in which disability either was ignored or blamed for the deaths. We will then look at the death of John Williams, a man with hearing loss killed in Seattle in 2010, and other incidents of violence against Deaf and hard-of-hearing individuals. Wheelchair users have experienced various types of violence. We focus on Devaughn Frierson, a wheelchair user that a San Francisco police officer attempted to push out of his chair. We’ll conclude this section with the coverage of individuals with schizophrenia or bipolar disorder, such as Kajieme Powell, Natasha McKenna, Tanisha Anderson, Kristiana Coignard, and Lavall Hall.

**ETHAN SAYLOR**  
**Developmental Disability**

**Blaming Homicide on the Victim**

Ethan Saylor’s death in January, 2013, caught the Down syndrome community and the media off-guard. The first month brought only [local news coverage](#), as the media had no framework to react to such an event, but even then the signs of blaming Ethan for his own death began to emerge.

The *Frederick News-Post* referred to the death as a [medical emergency](#), and ran stories about autopsies, clearly expecting to hear that the fault lay in Ethan’s body. Only on 2/16/2013, when the death [was ruled a homicide](#), did the story spread, but then it spread quickly, to outlets like the [Washington Post](#), [The Observer](#), [WUSA9 News](#) (which stayed with the story for months), [The Huffington Post](#), and many more. In all cases, the stories reported Down syndrome and used quotes like this one (from *The Washington Post*), “Ethan was developmentally disabled, not a criminal,” said Joseph Espo, a lawyer who spoke on behalf of Saylor’s parents, Patti and Ron Saylor.”

Notice how his disability is used to belie the possibility that he could be a criminal, rather than focusing on consistent police violence against disabled Americans. Unfortunately, within a few weeks, law enforcement was emphasizing Saylor’s disability—his size, his “inability” to follow commands, the decision to let him out of the house—as the cause of his death.

**The Importance of Looking at the Context**

One way to counteract such arguments from law enforcement is to place Saylor’s death into context, but no media reports did this. None of the media coverage over the first sixth months linked Saylor’s death to other encounters between disabled individuals and law enforcement, not even those that involved people with Down syndrome.

For example, just a few weeks before Saylor’s death, police in San Diego pepper-sprayed Antonio Martinez, a Latino man with Down syndrome walking down the street, wearing a hoodie. Like Saylor, [Martinez didn’t comply with verbal commands and so was treated violently](#). In 2011, Gilberto Powell was beaten by Miami police who saw a “bulge” in his pants and claimed it might be a firearm ([it was a colostomy bag](#)). Jeremy Hutton, a 17-year-old with Down syndrome, was shot by police in 2010 while driving his parent’s car. His parents called the police when Hutton took off in the family minivan. Officer Jason Franqui



shot and wounded Hutton after, he claimed, Hutton drove the van right at him. [Video later revealed this was untrue](#), but the officer was never charged.

Our best practices will include a suggestion for cross-disability awareness, but at the very least journalists might be aware of similar incidents involving people with Down syndrome. Until Saylor, though, these other incidents never made significant national news and so were off the radar.

## **REGINALD “NELI” LATSON Autism**

### **Stigmatized Reporting**

The story of Reginald Latson, known as “Neli,” functions as an important tale about the power of the press. In May 2010, a police officer stopped Latson, an African-American autistic young man, because they were looking for an African-American man with a gun. Latson was unarmed and innocent. It’s not clear precisely what he understood, but since he wasn’t involved, he tried to just walk away. The officer responded to this lack of compliance by trying to place Latson under arrest. Latson reacted violently, the officer was seriously injured, and Latson went to jail. In jail, trapped in an environment with no capacity to meet the needs of an autistic prisoner, he ended up in solitary confinement. *Washington Post* reporter Ruth Marcus began to write about him in 2014. A national campaign for justice soon followed. He was moved out of solitary and then Virginia Governor Terry McAuliffe offered [him a conditional pardon](#).

Marcus’ [reporting was exemplary](#). Along with her powerful advocacy, she used Latson’s case to take on the bigger picture, concluding, “Latson’s is a sad case. Unfortunately, it is not an isolated one. The criminal justice system must rethink how it deals with the mentally ill and developmentally disabled. And it must do more than rethink — it must halt — the use of solitary confinement in all but the most extreme circumstances.”

The *Washington Post* reporting on the same case from 2011, however, arguably promoted anti-autistic stigma. Titled, [“In VA assault case, anxious parents recognize 'dark side of autism,'](#)” reporter Theresa Vargas (who later reported on the Saylor case) emphasized the violent potential of people with autism. While it is true that many parents are concerned about sudden outbursts of violence, the writing in this piece does nothing to contextualize this concern with the fact that the vast majority of autistic people, like all disabled people, are vastly more likely to be victims of violence than perpetrators of it. Our system is designed to penalize the neurodiverse rather than protect them, as emerged in the Latson

case. Moreover, there's no recognition in any of the reporting that police conduct, rather than neurodiverse behavior, might be an issue.

Latson's coverage thus presents the challenge for reporters. No context—like Saylor—makes an incident seem isolated and a random tragedy. The wrong kind of context, though, stigmatizes disabled people, making them more vulnerable. One excellent example [of commentary came from the Chicago Reader](#), on another black autistic young man. In February 2012 Stephon Watts was shot by Calumet City police in his basement.

The [initial reporting](#) of the incident relied on police reports to describe Watts as dangerous, followed by family members who claimed he was not. Three years later, benefitting from both time and hindsight, the longform piece from the *Reader* did a much better job, including sophisticated quotes such as, "You've got two people who don't understand each other," explains Genevieve Thornton, a clinical psychologist based in Northbrook. "The police are trying to apply principles for 'neurotypicals' that don't work with an autistic population."

We need to bring this longform insight into breaking news reporting.

**ERIC GARNER**  
**Multiple Health Issues**

**Blaming Homicide on the Victim Yet Again**

Even though his last words "I can't breathe" were widely reported and even became a rallying cry for community activists, mass media has given little notice to Garner's status as a disabled man. The coverage of his death, understandably, emphasized the way that racial prejudice in policing leads to violence. Widespread reaction to the video of his death paved the way for the larger protests in Ferguson, MO, when Michael Brown died a few weeks later. Coverage also [focused](#) on the [chokehold](#) that killed Garner, with multiple pieces examining its history as a technique and its illegality. The [initial CNN coverage](#) is typical. It mentions his weight—350 lbs—but no disability. The *Huffington Post* referred to him as an [asthmatic](#). *The New York Times*, [on 7/18](#), did offer the following paragraph:

It is unclear if the chokehold contributed to the death on Thursday afternoon of Mr. Garner, who was at least 6 feet 3 inches tall and who, friends said, had several health issues: diabetes, sleep apnea, and asthma so severe that he had to quit his job as a horticulturist for the city's parks department. He wheezed when he talked and could not walk a block without resting, they said.

Nonetheless, the use of a chokehold in subduing a large but unarmed man during a low-level arrest raises for Mr. Bratton the same questions about police training and tactics that he faced 20 years ago, in his first stint as New York City's police commissioner.

Unfortunately, the following December, defenders of the police used such discussion of his health to avoid accountability. [As covered for CNN by Perry](#), one of the authors of this study, both conservative pundits and politicians blamed Garner's health for his own death. Perry reports:

Representative Peter King (R-NY) went on CNN to say, "You had a 350-pound person who was resisting arrest. The police were trying to bring him down as quickly as possible. If he had not had asthma and a heart condition and was so obese, almost definitely he would not have died."

Bob McManus, writing for the *New York Post*, described Garner's decision to protest the constant harassment:

Yet another arrest was under way when, suddenly, Garner balked. "This ends here," he shouted—as it turned out, tragically prophetic words—as he began struggling with the arresting officer. Again, this was a bad decision. Garner suffered from a range of medical ailments—advanced diabetes, plus heart disease and asthma so severe that either malady might have killed him, it was said at the time...He was a victim of himself. It's just that simple.

McManus' opinion column and King's remarks both demonstrate the ways in which ableism can be used to protect police against accountability for their actions.

## **FREDDIE GRAY**

### **Lead Poisoning**

Like Eric Garner, coverage of Freddie Gray's death has focused on race. This is appropriate. Gray was, however, a victim of lead poisoning. Lead poisoning can cause intellectual disabilities, developmental delays, and affect attention span. Until the explosion of coverage about the Flint water crisis, the depredations of lead poisoning on low-income urban areas (and in prisons) was one of the great under-told stories of injustice in 21st-century America. On Gray, though, we found excellent coverage on this topic in *The Washington Post*, as part of this newspaper's usual practice of trying to tell fuller accounts of the lives of victims of police brutality.

The *Post* should be commended for two articles on the subject. On April 29, 2015, Terrence McCoy wrote, [Freddie Gray's life a study on the effects of lead paint on poor blacks](#). On August 25, McCoy revealed the results of his investigation into the predatory practices of companies that [buy structured settlements off low-income victims of lead poisoning for pennies on the dollar](#). McCoy's pieces are vitally intersectional, as they engage with race, class, and disability. They build a full profile of Freddie Gray as a complex human and spark broader coverage of the issues.

### **SANDRA BLAND**

#### **Depression**

According to official findings, Sandra Bland's death in prison was ruled a suicide. Suicide, of course, raises questions about psychological disability such as depression, and indeed Bland's case is complex around those issues. From [The New York Times](#):

A screening form for "suicide and medical and mental impairments" completed when officials admitted Ms. Bland to the jail on July 10 indicates that she said she had tried to kill herself last year with pills after losing a child, had battled depression and was feeling depressed at the time she was entering the jail. But a second questionnaire prepared hours later says that Ms. Bland had not ever been depressed and was not feeling depressed at that moment, though it does note her attempted suicide.

Explaining the discrepancy, Mr. Mathis said, "They're telling me they asked her those questions two different times, that she gave different answers the second time."

The question of psychological disability in prison, almost always covered under the rubric of "mental illness," is too vast for this current study. The American prison system has become the most populated "asylum" in world history, with devastating consequences for the disabled prisoners held inside. For Bland, those consequences included the [deprivation of the drug Keppra](#), an anti-seizure medication that can, in the case of sudden withdrawal ([according to the FDA](#)), cause "suicidal thoughts."

Bland was on Keppra because she was epileptic, a disability component that has generally been under-covered. Bland told Officer Encina, after she was pulled out of the car, the [following](#):

**Bland:** Don't it make you feel real good don't it? A female for a traffic ticket. Don't it make you feel good Officer Encinia? You're a real man now. You just slammed me, knocked my head into the ground. I got epilepsy, you motherfucker.

**Encinia:** Good. Good.

**Bland:** Good? Good?

**Female officer:** You should have thought about it before you started resisting.

Notice how the female officer tells Bland that before she resisted (her degree of resistance is highly disputed), she should have considered her own status as a disabled person. For this female officer, disability means no resisting, even in an unjust arrest (this situation escalated because Bland wouldn't put out a cigarette, an arguably illegal command). Earlier in the incident, Encinia threatened to "light her up" with a TASER. There is at least some evidence that electrical discharge from a stun weapon may be extra dangerous to people with epilepsy. Certainly, police have too frequently interpreted epilepsy as a threat, such as in [this Alabama case from July 2015](#) or [Robert Marzullo in 2014](#).

## JOHN WILLIAMS

### Deafness

Deaf individuals cannot be expected to obey verbal commands when delivered out of sight. Talila Lewis, for HEARD, has [written eloquently on this problem](#). HEARD is collaborating with the [ACLU and actress Marlee Matlin](#) to raise awareness about the risks deaf individuals face when interacting with police. Interestingly, media coverage of deaf victims of police brutality tends to be far more sympathetic than other disabilities, perhaps because abled society can more easily understand how the disability can lead to unwarranted violence. For example, local news reporter Chris Halsne, writing in 2012 for KIRO 7 news in Seattle, said, "KIRO TV's investigative unit has discovered Tacoma police used force to arrest and handcuff an innocent deaf woman after she called 911 for their help." That word "innocent" is powerful, rare, and appropriate here.

Seattle has a history of this type of violence. In 2010, John Williams, a First Nation woodcarver, was walking down the street holding a small knife (within legal limits) and a block of wood. Officer Ian Birk approached him from the rear and began ordering him to drop the knife, then shot him five times. Williams had severe hearing loss and was wearing an ear bud in his semi-functional ear. Birk, later, [described Williams](#) as "very stern, very serious, very confrontational look on his face. He still had the knife out and [was in] a very confrontational posture." Birk continued, saying Williams displayed "pre-attack indicators" that included a clenched jaw, furrowed brows and a fixed "thousand-yard stare." Birk's

lawyer discussed unspecified mental illness, alcoholism, and possible “psychosis.” Birk was eventually dismissed from the force but not charged with any crime.

Instead of focusing on Williams’ hearing issues, though, many reports focused on his alcoholism—itself a form of disability. The *Seattle Times* [reported](#), “Williams, a chronic inebriate, had a blood-alcohol level measured during his autopsy at 0.18 percent, above the 0.08 percent at which a driver is deemed legally drunk and [later ran a piece](#) on “a violent end to a tormented life” and another [titled](#), “Police-shooting victim ‘struggled with a lot of things.’” The fixation on alcohol and difficult life obscures the fact that a police officer approached from behind a hard-of-hearing person walking peacefully down the street, gave verbal commands, and then shot him to death.

### **DEVAUGHN FRIERSON Wheelchair User**

Although people with non-apparent disabilities are most vulnerable both to police violence and to having their conditions ignored by the media, people with physical disabilities can be at risk. In June 2015, police officers in San Francisco attempted to tip Devaughn Frierson, a wheelchair user, out of his chair and into the road. This [incident](#) was [caught](#) on video and [covered widely](#), with [widespread condemnation](#) of the abuse. People seem to understand that the removal of a wheelchair is the equivalent of taking away someone’s legs. Similar incidents—Dwight Harris [thrown from his chair](#) in DC in 2011 and Indiana police officer [knocking Nicholas Kincade from his wheelchair](#) for bumping into an officer—received similar coverage.

The more interesting case is Brian Sterner. He was [thrown from his wheelchair by an officer](#) who thought he might be faking his disability to gain sympathy. Sterner said to Tampa television station WTSP:

“This deputy ... she looked at me, she didn't believe that I was a quadriplegic, I guess, and she walked behind me with those handles on the back of that hospital-grade wheelchair and she just dumped it straight forward.” After he was frisked, “I told them how to pick me up and put me back in the chair, but without sensation—I don't feel anything from my chest down—so I didn't know they were broken then, my ribs.”

Again, the media coverage was sympathetic to Sterner once it was revealed he wasn’t faking—visible disability engenders pity. Pity, however, can also dehumanize, by stripping away agency.

**KAJIEME POWELL and KRISTIANA COIGNARD**  
**Psychiatric Disability**

We conclude our case studies by looking at the most common type of interaction between the police and people with disabilities—cases involving bipolar disorder and schizophrenia, or similar psychological disabilities. Over the past year and a half, the media has adopted new norms in how to cover these cases. They remain isolated, generally, from broader cases of police violence, but at least we find acknowledgement of systemic issues as well as a willingness to engage on finding solutions. In that regard, the media is quick to cite “CIT” (Crisis Intervention Team) training as the appropriate remedy, despite widespread concern in the disability rights and mental health law sectors about its limitations.

Kajieme Powell was killed on August 19, 2014, just a few days after the death of Michael Brown set off the Ferguson protests. His death, naturally, was viewed initially through the lens of racial violence, but quickly shifted to “mental illness,” and may have been the catalyst for making this issue so visible on a national basis. Elizabeth Brown, at *Reason*, quickly offered a list of 14 “[mentally ill people killed by cops in 2014](#),” a resource which other reporters could reference. Gregg Levine, at Al Jazeera America, wondered if [Powell really was mentally ill](#), or was just angry about police violence and the cops were too quick to shoot. Conor Friedersdorf, for *The Atlantic*, looked at various ways [police can respond to mentally ill individuals](#). Many pieces echoed the language from the official police report and described Powell as “[acting erratically](#).” This is often code for mentally ill, being under the influence of drugs or alcohol, or both. Armed and acting erratically often appears in reports on officer-involved shootings.

While there are clearly instances in which people in mental health crisis place themselves in situations in which the police have no choice but to use lethal force, we contend that Powell—who had a small knife and was in an open courtyard—was not in such a place. Moreover, in the days following his death, other reporters produced critical pieces about police procedure and many suggested that Powell was trying to commit “suicide-by-cop.” Rebecca Leber, at *The New Republic*, wrote, “[Cops Do Exactly the Wrong Thing When Responding to the Mentally Ill](#).” Jesse Singal, for *New York Magazine*, wrote a long piece on the problems with the police role as America’s “[mental health workers](#),” including a rare discussion of the limits of CIT. Josh Vorhees, for *Slate*, attacked the term “[suicide-by-cop](#)” directly, writing:



The problem with the term suicide by cop is that it suggests the man’s death was inevitable—that the police have no agency and could do nothing else but fire their weapons until Powell was dead. That’s just not true, and we need to stop tossing around a phrase that implies that it is.

Overall, we were pleased to find significant sophisticated reporting not just on the death of Kajieme Powell, but the mental-health context in which his death took place. What’s missing is a broader understanding of the ways that psychiatric disability and other types of disability intersect when it comes to policing and use of force. For example, when 17-year-old white girl Kristiana Coignard was shot in the Longview, TX, police station in February of 2015, media coverage was sympathetic (in part, no doubt, driven by the age and race of the victim). Yahoo! News reporter Caitlin Dickson [wrote](#):

Bipolar teen's death in police station highlights rift between cops, mentally ill—Law enforcement is generally the last place families of mentally ill patients turn. But the CIT program may help change that.

She identifies the diagnosis, looks at the big problem, and offers the usual solution. Both Yahoo! and [People](#) quote her relatives saying that her entrance into the police station was “a cry for help,” not an attempt to hurt anyone. Such reporting humanizes her and indicates her blamelessness to the reader.

### Section Overview

When reporters acknowledge the presence of disability in a use-of-force incident, they routinely deploy it to generate empathy (generally good) or pity (generally a mistake) for the victims of police violence. On the flip side, stigma about mental illness continues to inform reporting, suggesting that people with psychiatric disabilities are likely to be violent and that police have reason to fear them. When we’re told that police are the default mental health workers, and that’s why so many people with psychiatric disabilities get killed, the implication is that mental health crises are likely to be violent events.

We disagree. The best reporting needs to look at all the ways in which police misunderstandings about disability—and the ways those misunderstandings intensify the likelihood of an encounter—turn violent. The cases in this section demonstrate the variety of ways media can react to such incidences, both praising excellent coverage and criticizing specific misleading or incomplete stories. In the next section, we’ll turn from the individual cases to look at a larger set of data.



## **SECTION FOUR: MEDIA ANALYSIS 2013-2015**

We turn here from close readings of individual cases to a broad analysis of media representation of incidents of police violence against disabled people beyond the higher profile cases detailed in section three. This section contains a breakdown of stories about police violence and disability by year, organizes the stories into various categories and then offers brief commentary on a few examples. For more detail, please consult our searchable spreadsheet that can group these stories by name, date, state, and disability.

### **Sources**

The foundation of our analysis consists primarily of print and online media sources. We have focused our attentions on these delivery systems for two reasons.

First, as noted in the introduction, there is currently no local, state or federal requirement for law enforcement agencies to aggregate or collect the number, type, and result of incidents of violence between police officers and disabled people. From a purely practical standpoint, those who seek to track, monitor and/or analyze trends related to police violence and disability are restricted to scanning, collecting, and aggregating print and online media coverage.

Second, broadcast media, for all its immediacy, to a large degree, is still “one and done” in terms of what is readily available. A story airs, and unless a person happens to be watching, listening, or recording at that precise moment in time, evidence of the story routinely evaporates as soon as the next crisis erupts, notable event occurs, or when the news cycle for the next day begins.

This second factor is alleviated somewhat by public media sources (community radio, National Public Radio and the like) who archive and post online versions of interviews or what they consider significant. Coverage does exist, but anyone seeking more than surface-level analysis and desiring in-depth, historical context or even follow-up on specific cases or incidents, is likely to be frustrated. The information that is available is not comprehensive and requires a variety of tools to paint a more complete picture.

Additionally, many local outlets generate online copy (essentially a transcript) of stories that they broadcast, but these pages tend to be ephemeral with ever-changing, or disappearing, web links. It takes unusual creativity and persistence to track incidents, but any interested person should be able to use website search engines to track rhetoric, language, and patterns.

As noted in the introduction, the most notable and up-to-date attempts by print/online media to provide a publicly available tally of the number of people with mental disabilities injured or killed during altercations with law enforcement in the United States came from [The Guardian](#) and later [The Washington Post](#), both published in the summer of 2015. Existing databases attempt to track what are likely to be influencing factors such as ethnicity, age, and gender. Some data sets include individuals with mental health conditions who have been injured or died at the hands of law enforcement, but only on a limited basis. Sadly, the means to easily search for details on those harmed with other conditions on media-owned or -operated databases remain, for all intents and purposes, non-existent.

### **What We Know**

As of December 17 2015, *The Washington Post* reported that among the number of total recorded shootings by police in 2015, 235 of those who were shot showed “signs of mental illness,” while 709 shootings by law enforcement showed “no signs of mental illness or the indications were unknown.”

The Guardian’s attempt to compile information on mental illness and police shootings went a step further. They looked at cases where “mental health issues were identified, either by family members, friends or police following each fatal encounter.” Their figures suggest that “26% of people killed by police exhibited some sort of mental illness, with at least 29 out of a total 102 cases listing the person who was killed as “suicidal.”

While the data aggregated was specific to the Bay area, [an in-depth report published by San Francisco’s KQED in September 2014](#), revealed:

“Officer-involved shootings between 2005 and 2013 found that 58 percent of people killed by police had a mental illness that was a contributing factor in the incident.”

Given the estimated number of incidents, these attempts at an accurate accounting, however incomplete, are certainly warranted and appreciated. However such databases miss too many disabled individuals whose conditions are not psychiatric in nature. Their stories are, of course, worthy of attention and examination.

In order to fill in the gaps, we analyzed news coverage aggregated by the “[Disability and Abuse Project](#)” of Spectrum Institute. Dr. Nora J. Baladerian, Ph.D., collects stories in the media about abuse and disability generally. From her findings, we have culled stories specifically related to disability and law enforcement. Stories initially distributed via the “Disability and Abuse” listserv and website were augmented by other relevant, readily

available sources, including online aggregators like Google News. We thank the organizers and administrators for their time in providing this invaluable, essential resource.

### **Scope**

Using material collected by the “[Disability and Abuse Project](#)” as our starting point, we analyzed readily available sources of print and online reporting related to police violence and disability from the death of Ethan Saylor in January 2013 to December 2015. Most incidents occurred during this time frame, but a portion of news reports published within that window were follow-up stories on local incidents that occurred prior to 2013. Typical examples include new developments in ongoing or unresolved cases previously reported, charges being filed, a case going to court, or legal resolutions such as court settlement or criminal sentencing.

Our review and analysis reflect the patterns of discourse on issues related to disability and police violence. Generally speaking, coverage of police violence against the disabled includes the date of the incident along with specific details about when and where the event occurred. We then added the reactions of law enforcement agencies to allegations of police violence as reported wherever possible. Lastly, we considered how community responses to police violence were addressed or detailed by news or online media sources that included that information.

Due to the nature of reporting in the internet age, on occasion news items were repeated in outlets outside of the geographic locations where they originally occurred. As a general rule, duplicated news items were not included in our analysis unless they provided new information or offered an update on a previously reported event. From time to time multiple categories were covered in an article or news story—such as articles that introduced the issue to new readers or when a more comprehensive issue overview was published—when applicable or necessary these multiple categories were factored into our accounting.

In broad strokes, the areas of news coverage we compiled include:

- Incidents
- Investigations
- Lawsuits
- Charges
- Apologies
- Settlements, Convictions and/or Sentencing Related

Many disability-centric communities became more engaged with police issues following the Ethan Saylor incident in 2013. Social movements, unrest, and protests regarding the deaths of disabled individuals such as Eric Garner and Freddie Gray (following, of course, the broader social movements following the death of Michael Brown and the Ferguson protests in August, 2014), create a notable increase in coverage of how communities, public officials, or law enforcement agencies have responded to incidences of abuse or violence against disabled people by law enforcement, and related entities such as jails, prisons or courts. In this regard, and for purposes of our report, we’ve focused on media coverage of these specific areas of interest:

- Training Initiatives (Existing and New)
- Policy and/or Procedural Changes

**Focus of News Coverage: 2013**

Incidents	1
Investigations	9
Lawsuits	4
Charges	3
Apologies	1
Settlements	4

**Community Response**

Resources <sup>1</sup>	7
Training or Policy Changes	15
Public Awareness	6
Protests	2
Calls for Accountability	5

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<sup>1</sup> For our purposes “resources” refers to increases in time, attention, funds, and/or training.

**Types of Disability as Reported**

Mental Illness (preferred term—psychiatric disability)	27
Down syndrome/Developmental Disability	11
Autism	4
Deafness	1
Amputee	1
Wheelchair-user	1
Traumatic Brain Injury	1
N/A or Unknown	2

**Total Number of Stories Surveyed: 48**

**Media Focus on Police Training**

Perhaps because of the high profile of the Saylor case, many news stories in 2013 typically placed much of their emphasis on “Crisis Intervention Team Training” which, to this date, seldom received much more than a passive, sympathetic nod from journalists. One notable exception was [an editorial published by NJ’s Herald News in April 2013](#):

"It's hard to think of a worse-case scenario. Sending an armed police officer into a situation with a mentally ill person — that's a recipe for disaster," said Eugene O'Donnell, a former New York City police officer and now a professor at the John Jay School of Criminal Justice in Manhattan.

Currently, how officers receive training to deal with the mentally ill seems a hodgepodge and can vary widely by department, although handling situations involving a person who is deranged or high on drugs is taught in every police academy.

That same month, [The Record Searchlight in Redding, CA](#) used the occasion of a two-day symposium on the “Criminalization of Mental Illness” to highlight the emerging trend.

"Forty hours of training are required to be a CIT-trained officer," says Barry Perrou, Psy.D, a forensic psychologist with the Public Safety Research Institute who conducted the training. "Reality is many agencies don't have the funding to pay for 40 hours. In some places it's 16 hours, in others eight hours."

"What we've found using a combined collaborative team of a mental health clinician and a police officer, given the same circumstances, is that in most cases arrest would be avoided, the patient would be deferred away from the 5150 (involuntary commitment), stabilized at the point of contact and then referred to mental health the following day given that was suitable," continued Perrou.

Sadly, not many law enforcement agencies were in Redding that weekend.

Reporter [Gus Burns](#) at [MLive.com](#) in Detroit obtained "multiple videos of a Michael Scipio, who was described as a "[mentally handicapped resident](#)" of Grosse Pointe, that were recorded and shared by local police officers. In one video a man is heard asking Scipio to do his "song." Scipio proceeds to "make noises and string together nonsensical sentences for the camera." The police officers in question were "ordered to undergo sensitivity training," according to city spokesman Greg Bowens. But at the time of publication on November 25, 2013, no one seemed to know what sensitivity training would entail. According to Bowens, the curriculum was "not yet determined" but would be "administered by a third party and include education related to dealing with mentally handicapped individuals." Bowens concludes, "State police say they are [not investigating](#) the matter."

The need to utilize different training methods from across the nation was again demonstrated when in Chicago, a call to the local police for help with a "mentally ill man" led to the man's arrest, repeated deployments of TASERs, and an outraged family. The man who was tased, Philip Coleman, "later died." News reporters from [CBS TV 2](#) "obtained data showing the TASER was used on Coleman a total of seven times. Other records downloaded from the TASERs show there were used on him 16 times."

Chicago Police Department officials would not comment on the Coleman lawsuit. But CBS 2 was told the "Cook County State's Attorney's office declined to charge any officers."

Regional attention to CIT training became a focal point when [James Chasse](#), 42, who had schizophrenia, died from blunt force trauma to the chest on Sept. 17, 2006, after police officers in his native Portland, OR, chased Chasse and knocked him to the ground. Officer Bret Burton, then a deputy, used a stun gun on Chasse.

Paramedics came to the scene, but Chasse wasn't taken to the hospital. Instead, police drove him to jail, but jail staff refused to book him because of injuries he received at the hands of arresting officers. Police eventually drove Chasse to the hospital in a police cruiser. He died en route.

Chasse's death resulted in \$3.1 million in settlements to Chasse's family by the city of Portland, Multnomah County and American Medical Response. The controversial circumstances that caused Chasse's untimely death prompted Portland's police bureau to require that all officers be trained in crisis intervention.

The troubled past which led to Portland's CIT training program was called into question in 2013 when one of the officers who contributed to Chasse's death in police custody was chosen to lead [Portland Police Bureau's](#) expanded mobile crisis unit. Portland police expanded their mental health unit from one officer to three in 2013 as part of a settlement with the U.S. Department of Justice, which according to the [Oregonian](#) found that "Portland police engage in a pattern of excessive force against people suffering from mental illness."

On October 20, 2013, an article in [The Oklahoman](#) detailed the issues centered around training not in terms of curtailing abuse but rather as one related to budgets and resources. One notable piece began by detailing:

[At the] Oklahoma City police academy about 16 years ago, mental health training consisted of the cadets watching a VHS tape that hadn't been updated in years. Now, all cadets get 16 hours of mental health training, 11 hours more than mandated by the Council on Law Enforcement Education and Training.

No information was provided on the effectiveness of the training. The training program wasn't in place Dec. 14, 2000, when three Oklahoma City officers were sent to the apartment of Paul Hight, a former Roman Catholic priest, diagnosed with paranoid schizophrenia and shot and killed him. His brother Joe Hight, a former editor at *The Oklahoman*, described Paul as the "greatest guy in the world" when taking his medication.

Joe Hight suspected that a problem with his brother's medication led to the confrontation with police. After his brother's death, Hight met with local mental health care advocates, the Oklahoma City police chief, and other law enforcement officials, and initiated the process which led to the state adopting CIT training.

Issues related to police training have received a great deal of media attention in Oklahoma during the time period reviewed for our research. The Sooner state reportedly has the second highest rate of mental illness in the nation. Police responded to 7,406 "911 calls" relating to mental illness from January through September 2013. Although a complete

accounting of 911 calls for 2013 were not reported, a 2009 news article published by the Oklahoman reported that the [Oklahoma City’s Public Safety Communications Center at that time received “1,500 to 2,000 calls per day”](#) and that the total “increases in the summer.”

**Focus of News Coverage As Reported: 2014**

Incidents	2
Investigations	13
Lawsuits	18
Charges	0
Apologies	0
Settlements	4
Convictions	0

**Community Response**

Resources	4
Training or Policy Changes	25
Public Awareness	5
Protests	1
Calls for Accountability	10



**Types of Disability as Reported**

Mental Illness	53
Down syndrome/Developmental Disability	13
Autism	5
Deafness	3
Blind	1
Amputee	1
TBI/Cane	1
Wheelchair-user	1

**Number of Stories Surveyed: 70**

**Media Focus on Police Accountability**

A lawsuit filed in February 2014 by the Greater Los Angeles Agency on Deafness, as reported by the [Daily Breeze](#), alleged that Hawthorne, CA, police “committed civil rights violations under the federal Americans with Disabilities Act and used unnecessary aggression against the plaintiff, Jonathan Meister, who is deaf.”

Because he is deaf, Mr. Meister depends on using his hands while facing a person to communicate. The complaint states, “The officers’ sudden aggression, which both caused pain and interfered with his ability to communicate, caused Mr. Meister reflexively to pull his hands away, hop back over the fence and step toward the gate ... to create some space so that he could communicate.”

Meister was shot with a taser, and then “fell to the ground, flailing his arms and legs. Officers kicked and grappled with Meister but still couldn’t get control of his limbs” so officers “tased him” at least two more times. Another officer reportedly “deployed a ‘drive stun’ to his abdomen. According to police reports, officers then flipped Meister onto his stomach, sat on him and handcuffed him.” Though officers described Meister as being “increasingly more aggressive and violent,” he was never charged with a crime.

Even when evidence of an attack is not contested or in doubt, the consequences for offending officers are seldom severe. Lashonn White, who is deaf, called 911 to report an intruder in her home and—through an interpreter—repeatedly told the operator that she could only communicate through sign-language, an interpreter, and a special video equipped phone. When police arrived, according to a report from [KIRO 7 in Seattle](#), they shocked her with a Taser and put her in jail for almost three days with no interpreter. White sought 4.5 million in damages and won her case, but only was awarded one dollar in her lawsuit against Tacoma police and Pierce County. Despite her lower than desired payout, the jury did agree that White’s “rights were violated when she was arrested.”

“For 41 years, no Dallas police officer faced charges for an on-duty shooting,” wrote Eric Nicholson for the [Dallas Observer](#). “With the indictment of former officer Carden Spencer, there have been two in the past week.”

Spencer was indicted for shooting a “mentally ill man” in October. The former officer and his partner said the man, 52-year-old Bobby Gerald Bennett, charged at them with a knife, but a neighbor's surveillance video disputed that accusation. Bennett was sitting in a chair when officers arrived. Spencer, the video shows, opens fire when Bennett stands up, hitting him four times in the stomach.

Bennett survived—he eventually sued the Dallas Police Department—and successfully challenged the aggravated assault on a public servant charge against him, for supposedly charging officers with a raised knife.

But of course, not every news story involves a case of overt abuse or conflict. Sometimes coverage skirts issues of liberty and self-determination by shifting the focus away from the behavior of police officers and toward increased monitoring of disabled people by the use of new technology that hints at an unsettling Orwellian future. For example, see the following story from the [Pittsburgh Post Gazette](#) dated April 30, 2014:

Allegheny County District Attorney Stephen A. Zappala Jr. unveiled...a tracker to help police find people with behavioral disorders who get lost. Worn like a wristwatch, the tracker sends a radio signal over a range of about a mile and a half. A handheld receiver pinpoints what direction the signal is coming from, and beeps more loudly when it gets close to the tracker.

The article concludes with a quote by Mr. Zappala:

"If someone gets lost, you typically work areas in concentric circles," Mr. Zappala said at a news conference in the Monroeville Municipal Building. "We're going to continue to do that in a search, but with this technology, we're comfortable we can do that more quickly."

The DA's office bought 20 of the bracelets at about \$300 each, and 10 of the receivers at \$1,000 to \$1,500 each, from Project Lifesaver, a national nonprofit. The story reported that the DA's office hopes to buy more bracelets each year and that they were “looking for more funding.” It did not raise the question of infringement on personal liberties.

**Focus of News Coverage As Reported: 2015**

Incidents:	6
Investigations:	42
Lawsuits:	26
Charges:	10
Apologies:	1
Settlements	16
Convictions: (1 paramedic, 1 security guard, 1 school officer)	3

**Community Response to Incidents**

Resources	32
Training or Policy Changes	43
Public Awareness	35
Protests	2
Calls for Accountability	39
Legislation	8

**Types of Disability, As Reported**

Mental Illness	202
Down syndrome/Developmental Disability	17
Autism	11
Non-specific	10
Wheelchair User	10
Deaf	7
Amputee	4
Blind	2
Mobility	1

**Number of Stories Surveyed: 250**

**Increased Awareness of Psychiatric Disability**

There is a notable surge in coverage of cases related to psychiatric disability in 2015. There is no reason to think that police are more violent towards people with such conditions in 2015 than in 2013. The policy changes and shifts in practice that have pushed people with psychiatric disabilities into harm’s way extend back decades (and fixing them may take decades as well). The 202 articles, though, reflect a quantifiable shift of media discourse and public awareness about issues involving “mental illness” and policing.

The #BlackLivesMatter and related anti-police-brutality movements can claim some credit here, as they have highlighted cases such as Kajieme Powell, Lavall Hall, and Jason Harrison. Although beyond the scope of our study, we suspect that coverage of police issues in general has radically increased in all media sectors across late 2014 and 2015. Moreover, the major July report from the *Washington Post*, highlighted several times above, provided reporters a context with which to analyze their local interests. It’s fair to say police reporters across the nation seem increasingly aware of “mental illness,” policing, and its complex relationship.

The crucial missing component is a broader understanding of “mental illness” as disability, and the relationship between psychiatric disability and other conditions. On that subject, we see little improvement.

Lavall Hall’s death in Miami on February 17, 2015, generated significant local and national coverage of what’s become the sad, standard “mental illness” narrative surrounding such incidents. Hall was a young African-American man with bipolar disorder and schizophrenia. His family called the police in response to a crisis. Hall struck at two officers with a broom handle and then withdrew. Police chased him. He ran initially, then turned back towards the police. They fired and killed him.

That night, [the Miami Herald ran a piece entitled](#), “Miami Gardens police chief says officers who killed mentally ill man 'did best they could.'” The article itself achieves some degree of balance, but both the headline and early text highlight this justifying phrase. Such reporting remains typical. The increase in awareness of mental illness hasn’t changed the dangerously dismissive intentions behind such statements by police—generally highlighting the threat to officers—in the reporting of police-related incidents while simultaneously minimizing or even ignoring the actual harm done.

On May 15, a piece by Conor Friedersdorf for [The Atlantic](#) detailed the under-reported flip side to the dominant storyline. Friedersdorf wrote:

A social worker who cares for the mentally ill and developmentally disabled has now contacted me to explain why he prefers that people avoid calling the police if at all possible when it comes to the sorts of disabled people for whom he cares. In fact, the danger of dialing 911 is something he emphasizes in all orientation sessions for new employees at the organization where he works. And when one of his organization’s charges becomes loud or disruptive in a public place, as inevitably happens on occasion, bystanders are actively encouraged not to call the police, too.

The article goes on to detail an incident involving an autistic 20-year-old in a group home, who according to the young man’s caregiver “became loud and aggressive one day while shopping in a store.” Support staff had worked with this guy and his behavior clinician for quite a while, so they were able to deescalate the situation without anyone being hurt or any property destroyed,” related a source who witnessed the situation firsthand.

Friedersdorf’s source continued to explain:

They left only to be confronted by police in the parking lot. The staff tried to explain that the situation was in hand, that the guy had an intellectual disability, and that he

had just had an outburst; but that he hadn't destroyed anything or hurt anyone and wasn't a danger to anybody, and they were planning on going back home.

“Police wouldn't let the matter drop,” the source lamented, stressing what has become a common refrain in many eyewitness reports that necessitated the creation of his report.

“They began barking orders at the kid and ended up tasing him when he didn't comply,” said the eyewitness. The story unfortunately didn't end there. The source reports that the young man

ended up getting arrested and thrown in jail, though he was fortunately put in a segregated cell, and was transferred to a mental-health unit of a local hospital fairly quickly. Obviously, this was all completely unnecessary and wouldn't have escalated to that point if someone hadn't freaked and called the cops just because some young guy was yelling in a store.

### **Media Focus on Consequences**

The cost of not heeding the mistakes of the past can be substantial. Not only for the obvious victims of police violence, but also for cash-strapped police departments.

On June 25, [NBC 7 in San Diego](#) reported that a \$1 million settlement was reached in a case involving a San Diego County Sheriff's deputy accused of using excessive force on a man with Down syndrome, Antonio Martinez. According to the complaint, Martinez had been illegally detained, beaten, arrested and charged by Deputy Jeffrey Guy.

According to the law firm retained by Martinez, the deputy approached him on December 12, 2012, when the victim was 21 years old. Martinez, who has Down syndrome, was walking to his family's bakery where he worked when the deputy pulled up beside him and asked him to stop. Martinez failed to do so, and that's when things escalated. A [lawsuit filed by the victim's family in May 2014](#) reveals that Guy began yelling at Martinez and then jumped out of his car, ran into Martinez's path, and [doused him in pepper spray](#). The lawsuit alleges that Guy then struck Martinez multiple times with a metal baton, knocking the young man to the ground. According to the complaint, as Martinez was bloodied and beaten by the deputy, his sisters and other bystanders screamed at the deputy to stop. They told him that Martinez has Down syndrome.

Guy then handcuffed Martinez and took him to a local hospital for X-rays and evaluation. He had suffered “facial abrasions to his nose and over his eye, and leg, arm and back pain with

contusions,” according to the family’s lawsuit. After the exam, the deputy took Martinez to the Vista Sheriff’s Station.

Deputies there allegedly refused to allow Martinez’ family to see him for five hours. Guy charged Martinez with delaying an officer in the performance of his duties. However, according to sworn deposition testimony, Guy and two other members of the sheriff’s department said Guy had no “reasonable suspicion” to stop, detain, or use force on Martinez and the charges against Martinez were dropped the next day.

According to [the lawsuit](#), the sheriff’s department offered the Martinez family a turkey dinner, possibly as a peace offering, the day after Martinez’s beating. Guy testified that, given the same circumstances, he would do the same thing again.

“This case exposed little or no training, policies and procedures for the department to deal with mentally disabled people, hopefully some good will come of this with how the officers recognize and treat disabled people,” said Jude Basile, attorney for the Martinez family. Before the lawsuit was filed in 2014, the Martinez family asked only for an admission of wrongdoing from the sheriff’s department, an apology, and changes in department policy when encountering people with disabilities. The family also asked for Guy to commit to 100 hours of volunteer work with Special Olympics or the Down Syndrome Society and hoped that the arresting deputy would be terminated.

The requests were denied, and the Martinez family filed the lawsuit that eventually led to a million dollar settlement in Martinez’ favor. Reporting on indictments, charges, and settlements in police abuses cases are critical in helping communities and bureaucracies understand and appreciate their obligations under the law.

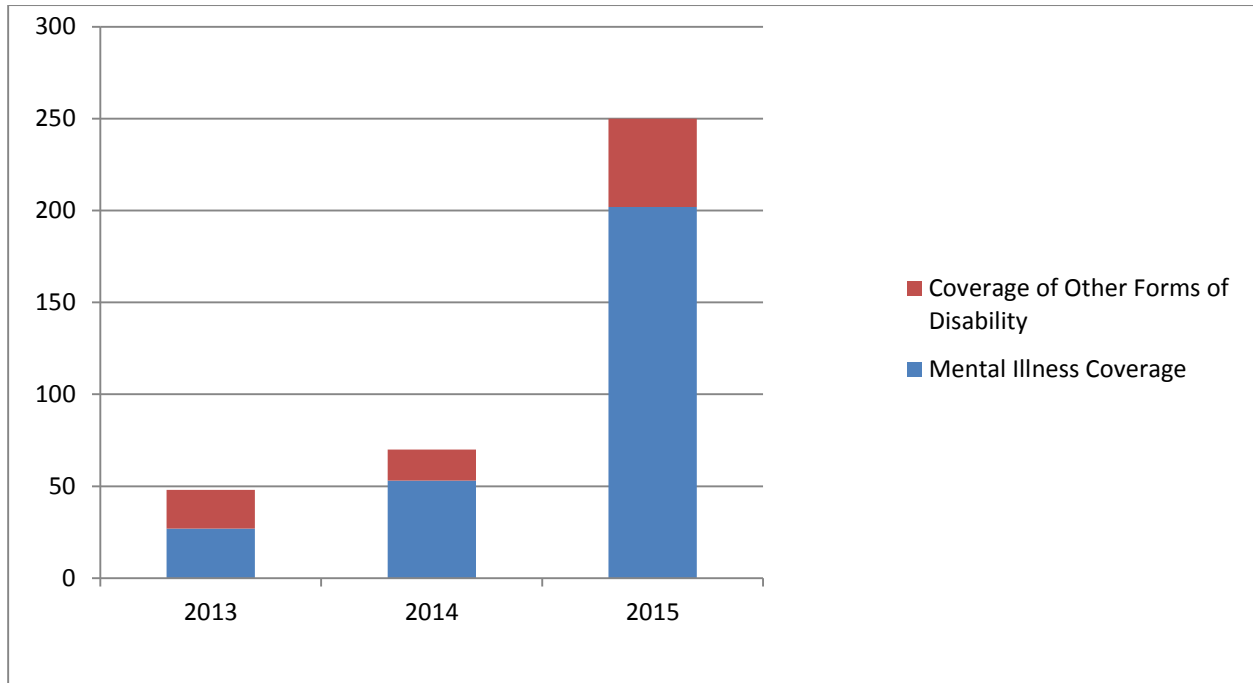
### **Section Conclusion**

This review of the media reports of disability and police use of force from 2013-15, supported by the links collected in our spreadsheet, reveals intensifying coverage of related cases over the last three years. This intensification correlates with increasing media interest in police use of force generally, with mental illness coverage continuing to be the primary focus as illustrated in Figure 1 below. The stories increasingly take one of two forms: reporting on a specific incident or reporting on new CIT training for police officers. Other forms of disability and meaningful responses to them remain significantly underreported.

### The Numbers at a Glance

To further reiterate several trends we covered in this section, we’ve compiled a few visual aids below as a section overview before we move on to offering best practices.

**Figure 1:** Mental Illness Coverage as Part of Total Media Coverage of Police Violence against Disabled People



**Table 1:** Focus of News Coverage 2013-2015 (Police Violence against Disabled People)

	2013	2014	2015
<b>Incidents</b>	1	2	6
<b>Investigations</b>	9	13	42
<b>Lawsuits</b>	4	18	26
<b>Charges</b>	3	0	10
<b>Apologies</b>	1	0	1
<b>Settlements</b>	4	4	16
<b>Convictions</b>	0	0	3



**Table 2:** Community Response to Incidents 2013-2015 (Police Violence against Disabled People)

	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Resources</b>	7	4	32
<b>Training or Policy Changes</b>	15	25	43
<b>Public Awareness</b>	6	5	35
<b>Protests</b>	2	1	2
<b>Calls for Accountability</b>	5	10	39
<b>Legislation</b>	0	0	8

**Table 3:** Types of Disability as Reported 2013-2015 (in Instances of Police Violence against Disabled People)

	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Mental Illness/Psychiatric Disability</b>	27	53	202
<b>Down syndrome/Developmental Disability</b>	11	13	17
<b>Autism</b>	4	5	11
<b>Deafness</b>	1	3	7
<b>Amputee</b>	1	1	4
<b>Wheelchair-User</b>	1	1	10
<b>Traumatic Brain Injury</b>	1	0	0
<b>TBI/Cane</b>	0	1	0
<b>Unknown or Non-Specific</b>	2	0	10

## **SECTION FIVE: BEST PRACTICES IN REPORTING**

Perhaps the biggest disconnect in media coverage of individual violent interactions between disabled Americans and law enforcement emerges from the tendency to perceive these incidents as isolated. Incidents involving “mental illness” provide a partial exception. Stories on this type of disability more frequently invoke broader patterns, trends, and correlations. In such cases, however, a great deal of the reporting depicts people with psychiatric disabilities as threatening and dangerous to themselves and others without careful qualification or substantiation.

Here are some best practices for journalists to consider when reporting cases linking police violence and disability.

### **1. Disability as a commonality in cases of police violence.**

One function of this study is to help make journalists more aware of the regularity in which disability is a contributing, if not central, component in use-of-force cases. Beyond the 25% of cases that involve people experiencing a mental-health crisis, individuals like Ethan Saylor, Freddie Gray, Eric Garner, and Sandra Bland should not have their disability erased from the narrative. Nor should their disability be blamed for violent actions taken by law enforcement officials. Rather, their condition should be interwoven into existing trends and, when applicable, considered with other key factors.

We ask reporters to be cognizant of the potential for anyone to be disabled and to consider it a key aspect in linking causes, concerns and a contributing element in police use of force. If a deaf man is tased because police officers consider his actions as “non-compliant” then his deafness cannot, and should not, be ignored. Moreover, in all instances where something unusual has happened—an unexplained death, non-compliant behavior, erratic actions—be thoughtful about the different ways in which disability can and does manifest. In the United States, by law, disabled people have specific rights of accommodation and access to government services, including the right to be arrested and incarcerated in ways that are “reasonable” to their specific conditions and needs.

These legal rights are routinely violated by law enforcement, sometimes with horrific consequences. Such stories need to be put in the proper social, cultural, and political contexts.

## 2. Use Appropriate Language

The disabled community has worked over many decades to shift the language we use to refer to disability. Disability style guides date back to the early 1980s, if not before, and reflect significant advances in our terminology. Journalists should follow such guides.

The most current disability style guide for journalists was produced in the fall of 2015 by the [National Center of Disability Journalism \(NCDJ\) at Arizona State University](#). The guide is excellent in terms of offering reporters the best language to use when describing particular disabilities and should be consulted regularly. Its “[terms to avoid](#)” section may be even more relevant for this study, particularly the following passage:

**Stricken with, suffers from, victim of:** These terms carry the assumption that a person with a disability is suffering or has a reduced quality of life.

In too many contexts, the media describes victims of police violence as “suffering from” disabilities such as schizophrenia, when what they are suffering from is police violence, possibly manifested through bullets, tasers, pepper spray, or nightsticks. People suffer from abuse. People suffer from a society that has been designed only for the typical. If an individual describes themselves or another person as “suffering,” they can of course be quoted, but journalists must not assume suffering as fact merely because of the existence of a condition, impairment, or diagnosis. **A journalist should handle quotes containing ableist language just as they would quotes containing racist or sexist language.**

Beyond that, the language suggestions of NCDJ are appropriate. “Person-first” language is generally used, though [specific communities](#) and [disabled activists](#) now emphasize “identity first” language. The authors of this study generally default to identity first, but do not feel it’s an essential issue. More important is the need to avoid words such as crazy, abnormal, wheelchair-bound, or other stigmatizing language, as detailed in the NCDJ report. Don’t erase disability. Don’t use it to stigmatize. Rather, strive to put it in context.

## 3. Don’t Blame the Victim

Official documents and statements released by law enforcement frequently link disability to violence in ways that blame disability for the negative outcomes. Journalists must resist this narrative, especially as a default in the hours, days, and weeks after an incident. Journalists have learned to be skeptical of police narratives in other contexts; they would be wise to bring that same skepticism to stories that link disability and police violence.

For example, in 2006, Arkansas State Police troopers evoked the physicality, gait, and mental state of 21-year-old [Joseph Erin Hamley](#). He had cerebral palsy, an intellectual disability, and "multiple personalities," and was mistaken for an escaped prisoner and killed by law enforcement. When Hamley's family and other members of the community questioned his unnecessary death, defenders of the police force used his disabilities in an attempt to justify it. **The media generally accepted this narrative, describing the killing as an aberration and unavoidable tragedy, caused by disability, rather than by police errors.**

#### 4. CIT

Crisis Intervention Team Training (CIT) will not address the causes of police violence against people affected by mental illness or other disabilities will not be addressed with CIT training. It is one tool among many. Unfortunately, it has become almost routine for journalists to conclude articles about psychiatric disability with largely unsubstantiated claims about the efficacy and necessity of CIT training—even in situations where the victims were killed by CIT trained officers—without assessing whether or not such training has been successful or demonstrated desired results.

CIT provides immensely important resources to trained officers when confronting specific kinds of situations, but even if every law enforcement officer received the most advanced CIT training, situations like the death of Kajieme Powell would continue to occur. **CIT training must not be simply advanced by reporters as the fix, but rather as an important component to addressing systemic problems within law enforcement itself.**

#### 5. Use the Word "Disability"

Most of all, we urge reporters to use the word "disability" in their reporting. Disability carries important legal and cultural connotations about identity, accommodation, and inclusion. Considerable confusion remains over the use of euphemistic phrases like "differently-abled" and "special needs" that do little more than muddy already murky waters. As a general rule, remember that the word disability is central to one of America's primary civil rights laws—the Americans with Disabilities Act of 1990. It's not called the "handicapable" act for good reason. **As for special needs—there is nothing special about wanting to not be shot.**

As we advance into the 21st century, disability encapsulates an increasingly powerful set of concepts that push us to redefine what it means to be a member of society and demands we rebuild society so that it's accessible to all. When disabled Americans get killed and the media loses sight of their stories or segregates them from each other, we miss an opportunity to learn from tragedies, identify patterns, and push for necessary reforms.

**Disability rights are civil rights. Disability rights are human rights.** As such, it is worth remembering and reporting that the needs of disabled people aren't special. What disabled people seek are the same things (employment, education, access, consideration, respect, etc.) that non-disabled people routinely take for granted. The language used to report issues that confront disabled people should reflect that disparate reality.