

HB21-1122 First Responder Interactions Persons with Disabilities bill

Speaking from the perspective of parent to a child with disabilities, a police officer (retired in good-standing), and a researcher; I would like to voice my support for Colorado's groundbreaking "*First Respond Interactions Person with Disabilities bill*." I have advocated within law enforcement for over two decades for individuals with disabilities and have US Presidential appointments (Homeland Security) and Gubernatorial appointments (Illinois and Colorado) as a subject matter expert on the topic.

The body of research concerning law enforcement interactions with person who have disabilities, although well-intended, is often short on facts and laden with emotionally driven ideas and language. In an attempt to add focus to Colorado's efforts, please consider the following key points:

- Some NGOs claim law enforcement is unfairly "targeting" individuals with disabilities (Disability Rights, Ohio, 2020). Fortunately, this is rare. And this is a good thing as bias can be very difficult to remedy. The problem *can* be addressed through education and reinforced through training. In truth, law enforcement is willing but over-burdened with prior training mandates, delinquent in expert resources, and underfunded to properly prepare their officers to interact with persons who have disabilities.
- The pressures on law enforcement and first responders are at historical highs. BLM, riots, media scrutiny, training mandates, COVID, media scrutiny, calls to defund the police and limit immunity each demand attention and each place enormous pressures on already limited budgets and resources. Without legislation like HB21-1122, the disability issue may fade from our collective consciousness. Be assured, if this happens, it will eventually resurface and create even more distrust and skepticism toward those charged with protecting and serving.
- The responders are at risk too. Officer safety is the cornerstone of police work. Officer safety is pounded into an officer's psyche from day one at the academy. By not properly educating our officers, we leave them with few alternatives other than to use force. This vicariously places the police at an increased risk of injury or death as officers on the street have an unnecessarily limited toolbox of less-than-lethal options to deploy when encountering unfamiliar behaviors. De-escalation processes must be taught and reinforced.
- Without proper education and training, law enforcement may continue to misperceive the effects of a disability as, 'criminal activity or a threat.' Currently, unqualified curriculum designers and/or trainers present one or two hours of basic training on the topic and administrators are allowed to "check the box" that disability training has occurred.
- An effective response needs to be institutionalized into Colorado law. HB21-1122 starts the process. Additionally, reforms can begin with education but should not end with education. Effective reforms must be institutionalized into accreditation/POST rules, policy, in-service training (investigations, patrol, and executive), mass-casualty training,

scenario-based training, use-of-force training, inclusion, and audits (of policy, practice, and police use-of-force reports).

This issue does not rest solely at the feet of those in uniform. HB21-1122 acknowledges and shares the burdens. The cycle of the police shooting a person with a disability, public outcry, press conferences promising training and reforms, single offerings of the training, shelving of the training, **repeat**; must stop.

John L. Garner, Ph.D.

Master Sergeant/Investigator, Illinois State Police (Ret.)
Colorado Mesa University & Colorado Christian University

Speaking from the perspective of parent to a child with disabilities, a police officer (retired in good-standing), and a researcher; I would like to voice my support for Colorado's ground-breaking "*First Respond Interactions Person with Disabilities bill*." I have advocated within law enforcement for over two decades for individuals with disabilities and have US Presidential appointments (Homeland Security) and Gubernatorial appointments (Illinois and Colorado) as a subject matter expert on the topic.

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Master Sergeant/Investigator, Illinois State Police (Ret.)
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Representative Dafna Michaelson-Jenet, Chair
Representative Emily Sirota, Vice Chair
Committee on Public & Behavioral Health & Human Services

Lea Anne Paskvalich, Executive Director
Autism Society of Colorado
720-214-0794

Tuesday, March 23, 2021

Support for HB21-1122, First Responder Interactions Persons With Disabilities

The Autism Society of Colorado is a nonprofit organization committed to improving the lives of autistic individuals across the state of Colorado through advocacy, information and education. We strongly support HB21-1122, which would establish a commission to improve the quality of first responder interactions with persons with disabilities.

The national prevalence rate of autism is 1 in 54. Therefore, it is inevitable that first responders will encounter someone with autism in their work. Autism is a developmental disability that can impair social interaction, communication and behavior. These challenges can be exponentially increased by anxiety-inducing interactions with first responders and, more specifically, with law enforcement officers.

In many cases, law enforcement officers misperceive the traits of autism as a sign of criminal activity, noncompliance or even a threat. Autistic individuals often have challenges with language processing speed, sensory overload and difficulty interpreting facial expressions and body language. Failure to comply with an officer's request may be a manifestation of their disability and not indicative criminal intent or a potential threat.

There is a disproportionate number of children with autism and other neurodiversities who are subject to discipline from school resource officers who are not trained to work with autistic children. Autistic children of color are even more at risk for harsh treatment from untrained school resource officers.

Comprehensive education and training for first responders on autism and other developmental disabilities are imperative to improve interactions and keep all parties involved safe. Without specific training, a first responder may not recognize that they may need to modify their approach when responding to a person with autism or developmental disability.

The Autism Society of Colorado believes HB21-1122 is a significant step toward safer communities for autistic individuals. We urge the committee to pass HB21-1122. Thank you for this opportunity to testify.



March 23, 2021

To: Members of the Public and Behavioral Health and Human Services Committee

From: Patricia Yeager, CEO, The Independence Center

Re: HB21-1122 First Responder Interactions with Persons with Disabilities

As the CEO of The Independence Center, I am writing in support of HB21-1122. We are a certified Center for Independent Living through the state Division of Vocational Rehabilitation serving Colorado Springs and the Pikes Peak region.

As a person with a disability and as a Center serving people with a wide variety of disabilities of all ages, we want to express our support of this bill. It would set up a commission to look at training and other ways to improve interactions between first responders and persons with disabilities. Opening up a dialogue between the representatives listed in the bill is a good way to formalize communications. It will allow us to work through solutions to interactions gone awry in the course of first responders responding to persons with disabilities during the course of their work.

We would also like to suggest looking at resources from other states and sources who have already put disability competency training together for their first responders. One such resource was developed in Minnesota to train first responders on interacting with people with autism. Here is a link to their training: <https://ausm.org/education/training/training-for-officers-and-emergency-responders/>.

Thank you for the opportunity to support this important work and we look forward to supporting the Commission as it gets started.

Patricia Yeager, Ph.D.
CEO, The Independence Center
PYeager@theindependencecenter.org



March 23, 2021

Re: ACLU Written Testimony in Support of HB21-1122

To the House Public & Behavioral Health & Human Services Committee,

The ACLU of Colorado writes to offer its support for HB21-1122, First Responder Interactions Persons With Disabilities. Although we're unable to attend the committee hearing today in person or remotely, this bill's importance compels us to write testimony in support of the legislation.



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**Deborah J.
Richardson**
Executive Director

According to the 2016 report published by the Ruderman Family Foundation, almost half of people who die in police encounters have some kind of disability.¹ Adding to the racialized over-policing of Black, Latino and Indigenous communities through excessive force and humiliation, the need for improving first responders' interactions with people with disabilities is imperative. Police officers are often responding to calls that they are not trained to handle, further fueling the stigmatization of our neighbors with different abilities that they are a danger to themselves and the community at large. This could not be further from the truth.

In August 2019, our community was rocked by the police killing of Elijah McClain. A young Black man walking from his neighborhood convenience store, young Elijah was unjustly taken from our community because wearing a ski mask to keep warm (which can be one of many strategies used by people who experience sensory-related disabilities) was perceived to be a threat and initiated a 911 call.² What made his death chilling was not only the lack of training and empathy of Aurora police officers when placing Elijah in a chokehold, but the role of Aurora paramedics who administered a high dosage of ketamine to Elijah's small body frame. Passing HB 1122 acknowledges need that all first responders, not just police officers, require more training on how to engage with people with disabilities.

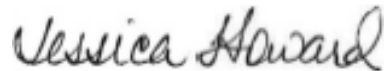
Personally, in addition to my role as the Racial Justice Campaign Coordinator and community educator who provides trainings related to police encounters, I also identify as a mother of a Black boy with autism. The intersections of my son's race and disability puts him at a heightened likelihood to not survive a police encounter and further magnifies his degree of marginalization in our society.

¹ Perry, David M. and Carter-Long, Lawrence. "The Ruderman White Paper on Media Coverage of Law Enforcement Use of Force and Disability." *Ruderman Family Foundation*, March 2016, https://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability_final-final.pdf.

² Tompkins, Lucy. "Here's What You Need to Know About Elijah McClain's Death." *New York Times*, February 21, 2021, <https://www.nytimes.com/article/who-was-elijah-mcclain.html>.

People with disabilities deserve to take an active role in our society and community without the fear that their very being will precipitate a deadly interaction with first responders. HB 1122 aims to create a commission that can hold Colorado's first responders more accountable to the communities they serve by including a robust curriculum that is meaningful, intentional and acknowledges the humanity of our disabled family, friends and neighbors. We ask that the committee consider the ACLU's support for HB21-1122 in today's hearing. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Howard".

Jessica Howard
Racial Justice Campaign Coordinator
ACLU of Colorado