

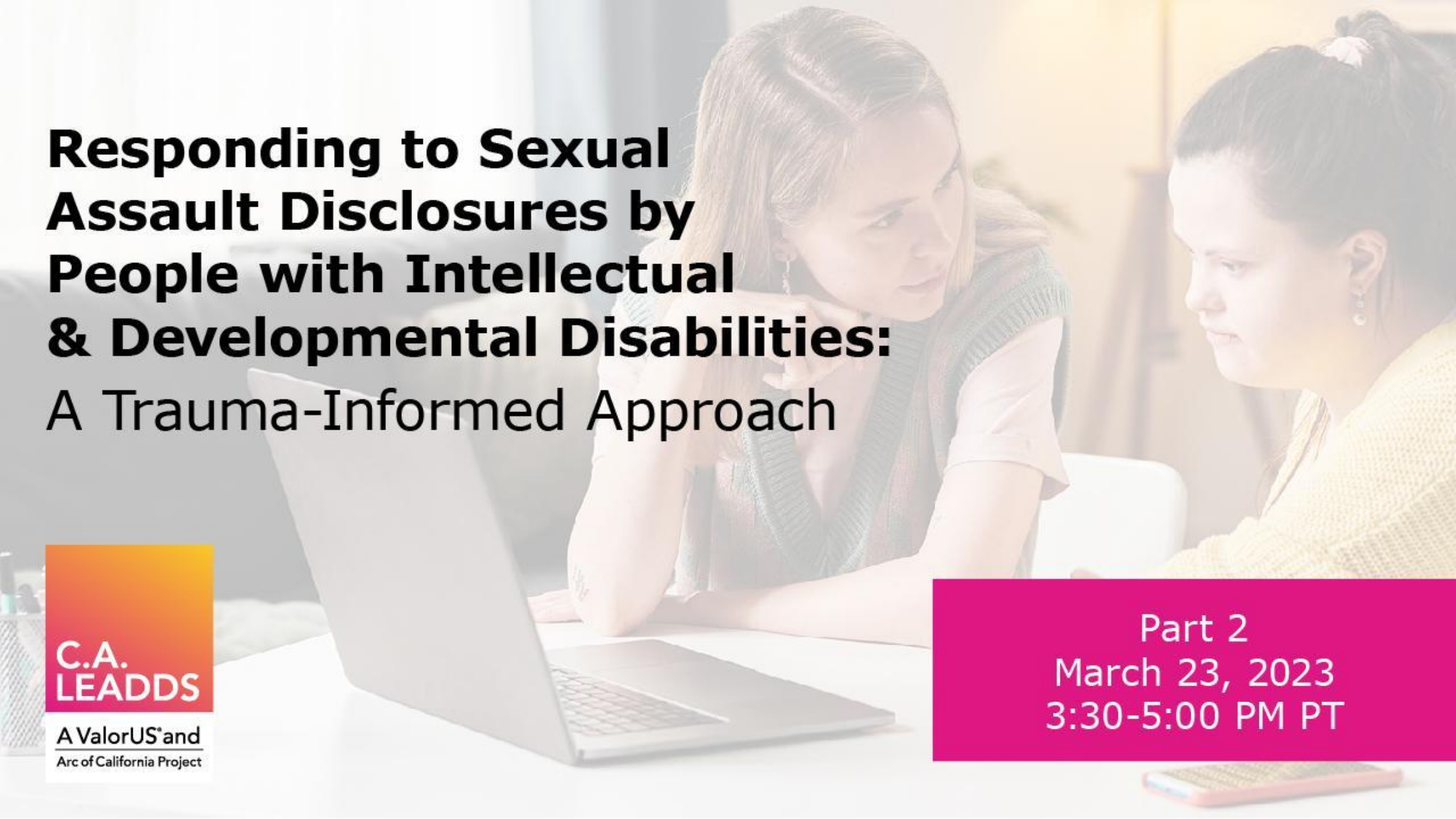
# Responding to Sexual Assault Disclosures by People with Intellectual & Developmental Disabilities: A Trauma-Informed Approach

C.A.  
LEADS

A ValorUS<sup>®</sup> and  
Arc of California Project

Part 1  
March 21, 2023  
3:30-5:00 PM PT

\*\*This project is supported by Grant No. 2019-FW-AX-K008 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.\*\*

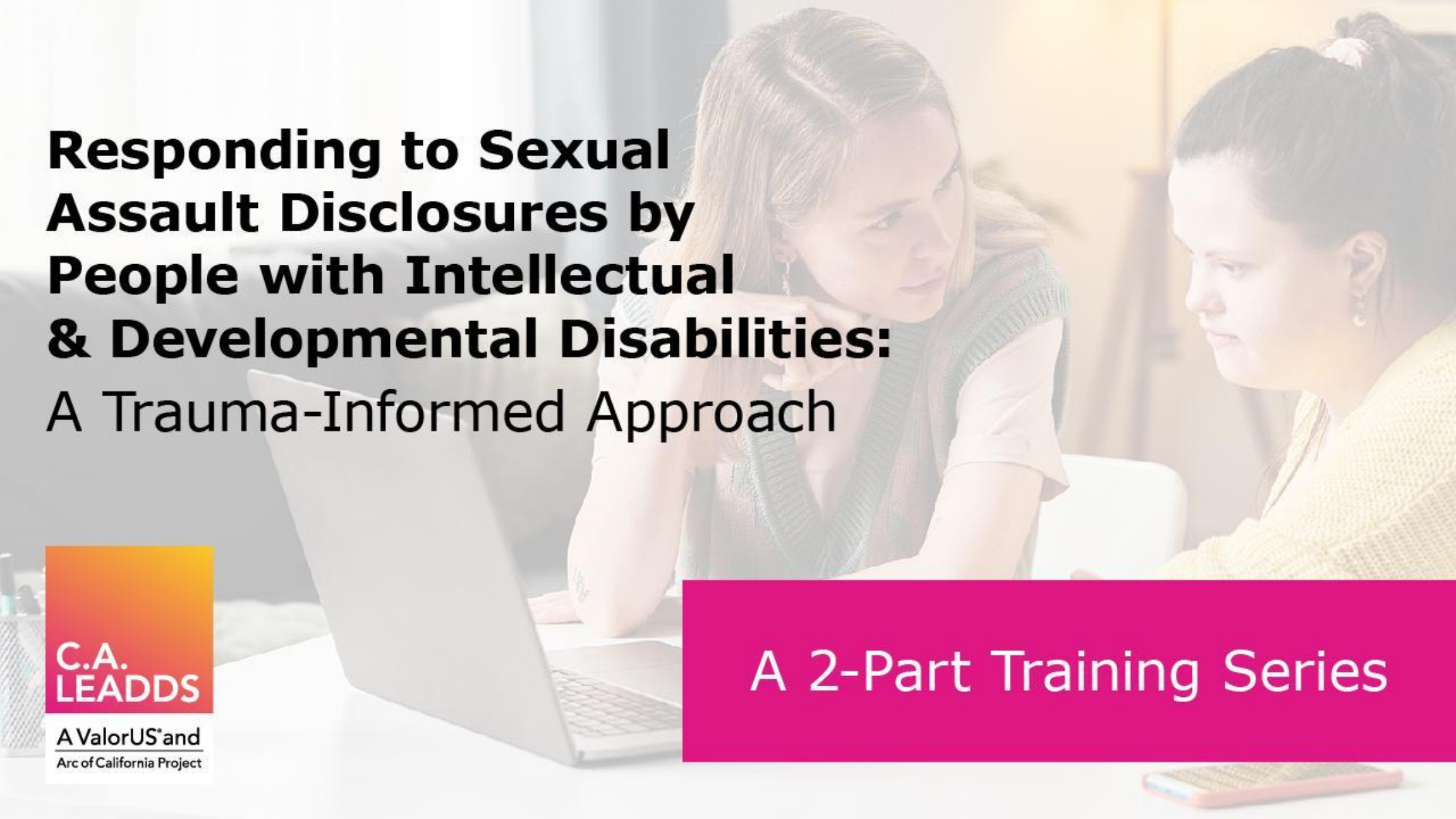
A photograph of two women sitting at a desk, looking at a laptop screen. The woman on the left is leaning over the laptop, pointing at the screen. The woman on the right is sitting upright, looking at the screen. The background is a bright, indoor setting with a window.

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Part 2  
March 23, 2023  
3:30-5:00 PM PT

A photograph of two women sitting at a desk, looking at a laptop screen. The woman on the left is leaning over the laptop, pointing at the screen. The woman on the right is sitting upright, looking at the screen. The background is a bright, indoor setting with a window.

# **Responding to Sexual Assault Disclosures by People with Intellectual & Developmental Disabilities: A Trauma-Informed Approach**

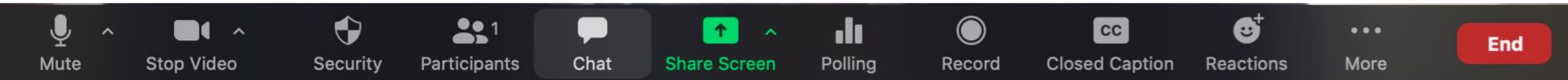
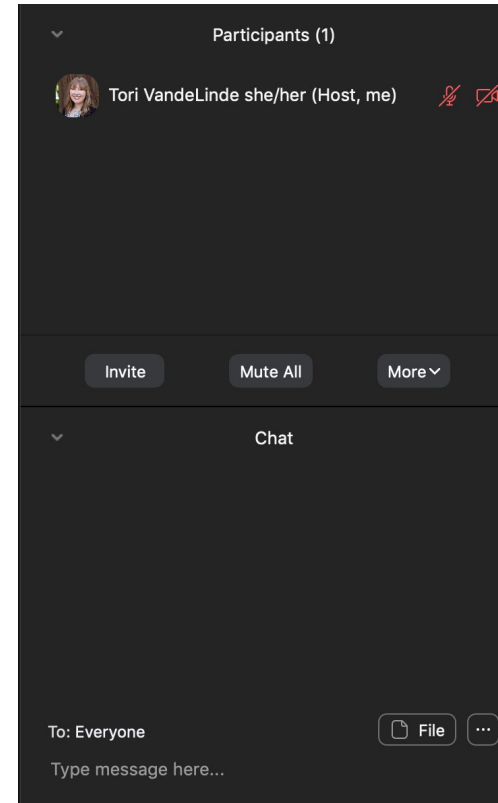
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A 2-Part Training Series

# HOW TO USE ZOOM

- ›Text chat & breakout rooms
- ›Phone
- ›Live captioning
- ›Recording & slides
- ›Certificate of participation



# Legal Disclaimer

- VALOR® and The Arc of California cannot give legal advice
- Persons seeking legal advice should consult an attorney
- Acquaint yourself with your agency's policies and procedures on mandated reporting



# Legal Reminders

- Consult with your supervisor if you think you may need to report a situation
- If a supervisor tells you not to report, you still have a duty to report
- The person that received the disclosure should report or be part of the reporting process
- Discuss your duties to report with clients/survivors
- You are not responsible for “proving” or investigating abuse, only reporting suspicions and allegations



# Meet Your Hosts



**Samantha Thalken**

**Project Coordinator, The Arc of California (she/her)**



**Jordan Lindsey**

**Executive Director, The Arc of California (he/him)**

# Meet Your Presenters



**Ashleigh Klein-Jimenez**  
**Director of Prevention, VALOR**  
**(she/her)**



**Priscilla Klassen**  
**Project Coordinator, VALOR**  
**(she/her)**



**Elizabeth Grigsby**  
**Self Advocate, Arc**  
**Consultant (she/her)**



# Learning Objectives - Part One

- Participants will be able to define sexual assault and describe the prevalence of sexual assault in I/DD communities
- Participants will be able to describe the basics of mandated reporting policies and conservatorships
- Participants will be able to identify risk factors for experiencing sexual assault and barriers to seeking services for people with I/DD

# Disability Bias

- Categorizing or defining people based on their disability
- Perception of inferiority
- Doubts about credibility, capability,
- Pity
- Fear

# Examining Biases

- Do you think “disabled” is a negative word?
- When you think of an individual with a disability, do you have sympathy or feel pity for that individual?
- Do you speak to and interact with individuals with disabilities differently than you do with individuals without disabilities?
- Do you view disability as an abnormality or sickness, a challenge that needs to be overcome or corrected?
- Do you allow adults with I/DD the same rights AND responsibilities as you do their neurotypical or able-bodied peers?

# Examining Biases, cont.

- Do you think people with intellectual disabilities have a hard time understanding the truth?
- Do you view people with developmental disabilities as asexual?
- Do you think people with developmental disabilities should be able to have romantic and/or sexual relationships with non-disabled people?
- Do you think people with developmental disabilities should be able to have children if they choose?

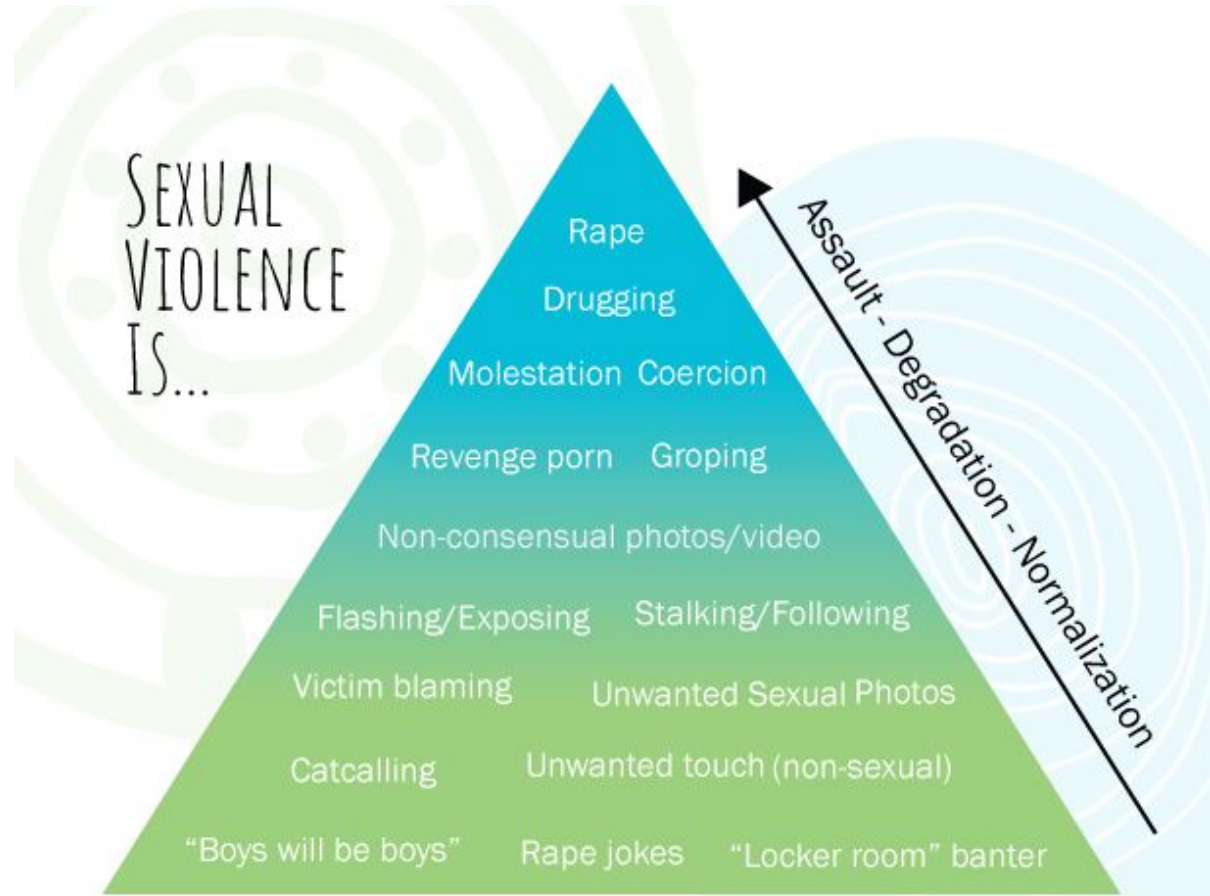
What comes to mind when  
you hear the term  
“Sexual Assault”?

Please respond in chat



# Sexual Violence Basics

# Sexual Abuse



For more information on sexual violence, visit [www.foundrybc.ca](http://www.foundrybc.ca)

Adapted from [www.11thprincipleconsent.org](http://www.11thprincipleconsent.org)

· FOUNDRY ·  
WHERE WELLNESS TAKES SHAPE

# What Is Consent?

**CONSENT IS**

<b>ACTIVE</b> Unmistakable via words or actions	<b>NO always means NO</b> <b>Only YES means YES</b>	<b>CLEAR</b> Direct communication
<b>KNOWING</b> Fully conscious, not impaired by drugs or alcohol		<b>ONGOING</b> Confirmed at each level of sexual activity
<b>VOLUNTARY</b> All are willing participants	<b>REQUIRED</b> Not inferred from clothing, alcohol consumption or dancing	

**All sexual interactions must occur between consenting adults.**

For more information, see [hmc.edu/student-life/title-ix-sexual-misconduct](http://hmc.edu/student-life/title-ix-sexual-misconduct).



# Consent

Consent - “positive cooperation in act or attitude pursuant to the exercise of free will. The person must act freely and voluntarily with knowledge of the nature of the act.” An agreement to engage in a sexual activity. Must be given freely, each time and throughout the occurrence, no matter how many times a person has consented before. People can always change their minds.

- Always ask permission from the person you are interested in even if it is your spouse/partner
- Each person always has a choice, yes or no
- If someone isn't sure, we cannot pressure them
- Situation and acts should be enjoyable to both people
- You can both stop or change your mind at anytime
- Consent must be given each time and for each activity
- If you are not sure, ask your partner

Silence or a lack of protest  
or resistance is NOT consent.

# More on Consent

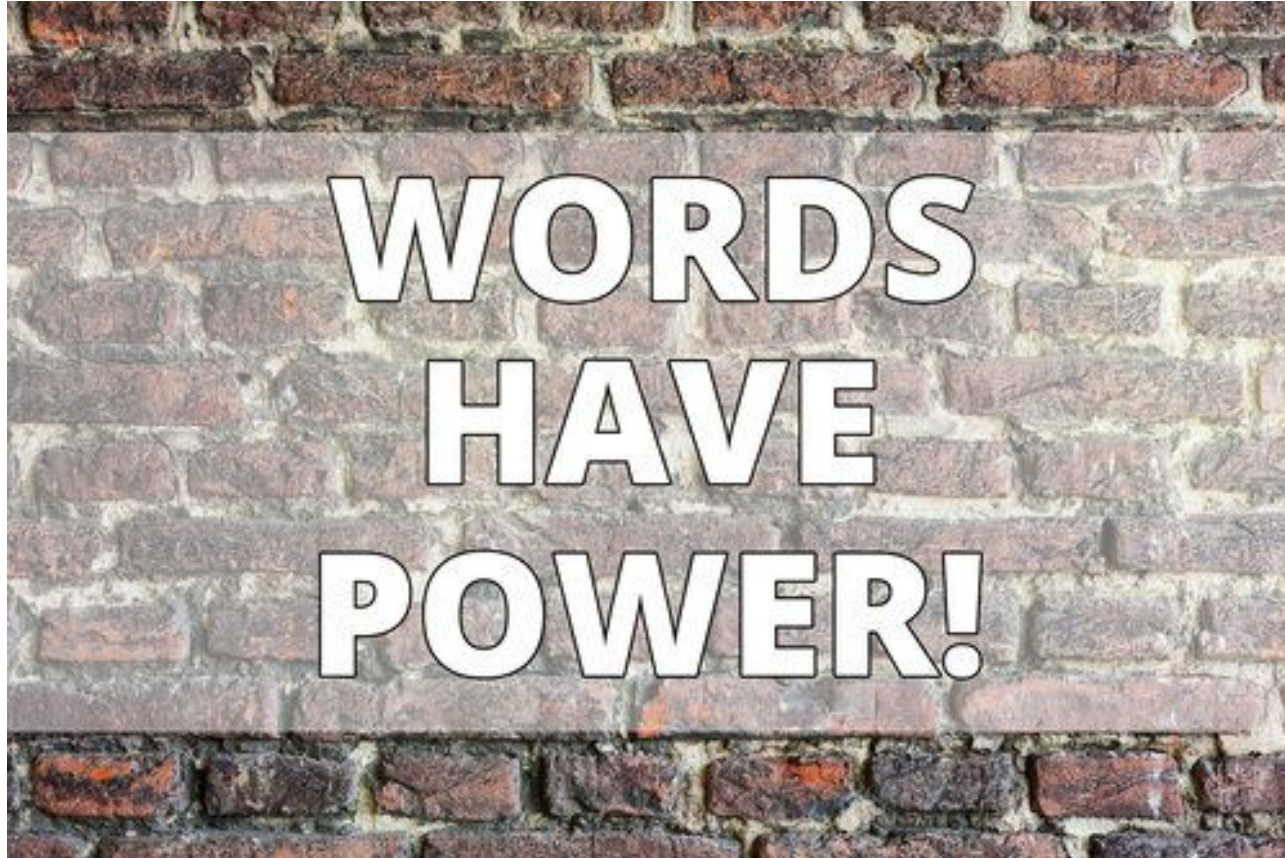
“Consent has to be given freely. That means no pressure, lies, bribes, threats, coercion, or force.

- “If you don’t have sex with me, I will break up with you.”
- If you have sex with me, I’ll give you...
- “If you don’t have sex with me, I will tell everyone that you did.”
- If you loved me, you would have sex with me.
- “No holding a person down or using a weapon to make them have sex.”
- People are unable to give consent if they are:
  - Drunk
  - High or Intoxicated
  - Passed Out/Unconscious
  - Asleep
  - Underaged
  - “Unable to make an informed decision”
  - “Being asked for consent by someone with authority over them”

# Consent and People with Disabilities

- “Language in some state statutes could inadvertently categorize people with disabilities as incapacitated or mentally impaired”
- Affirmative consent and disabilities
  - Some states require verbal, express consent for affirmative consent
    - This is not always possible for people with certain types of disabilities
- “What if a person cannot give verbal consent?”
  - Positive Consent (YES): positive body language, leaning in, pulling you closer, sign language “yes”, alternative communication device “yes”
  - Negative Consent (NO): Pulling away, crying, not responding to you, sign language “no”, alternative communication device “no”, shaking head, arms wrapped around body

# Victim vs. Survivor



# Who Is Impacted By Sexual Violence?





# Rape Crisis Centers

# Rape Crisis Center History

- Grassroots organizing
- Earliest centers established in 1972
- First “Take Back the Night” march - San Francisco, 1978
- 1980s and 1990s - increased community education and policies



California Rape Crisis Centers

83 centers across  
California providing free  
services to survivors of  
sexual assault





# Services Often Provided by Rape Crisis Centers

- Crisis response
- Accompaniment
- Short and long-term counseling - both individual and group
- Advocacy
- Community education
- Legal advocacy
- Case management



# Local Rape Crisis Centers



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# Local Rape Crisis Centers



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RAPE CRISIS CENTERS CATEGORY: CALIFORNIA

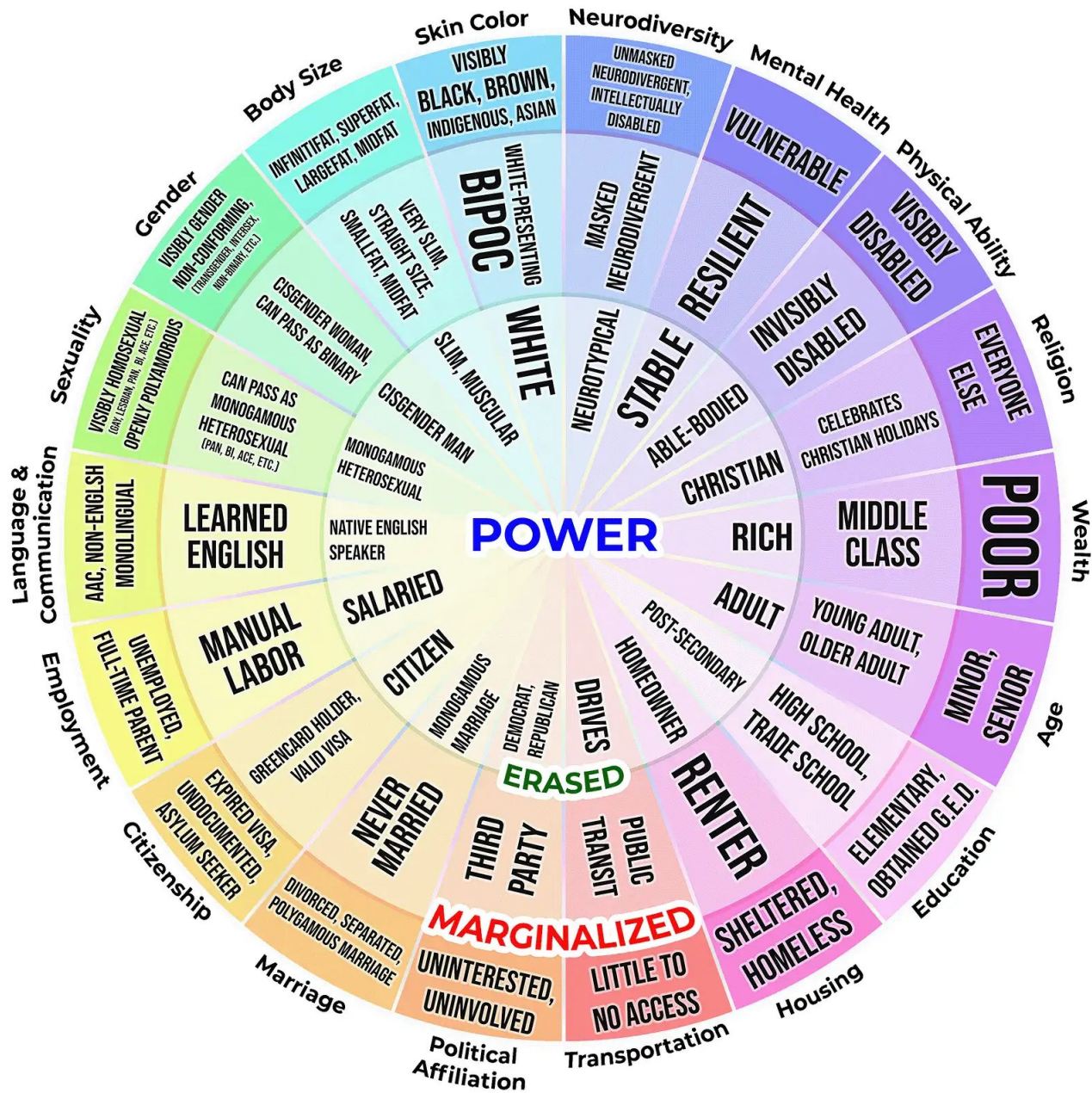
Miles of

[Advanced Search Rape Crisis Centers](#)

Alameda County (3)	Alpine County (1)
Amador County (1)	Butte County (2)
Calaveras County (1)	Colusa County (1)
Contra Costa County (3)	Del Norte County (1)
El Dorado County (2)	Fresno County (2)
Glenn County (1)	Humboldt County (2)
Imperial County (1)	Inyo County (1)
Kern County (2)	Kings County (2)



# Prevalence of Sexual Violence and Abuse of Persons with Disabilities



# Statistics

- Rate of violent victimization against persons with disabilities is nearly 4x the rate for persons without disabilities.
- Only 19% of sexual assaults against persons with disabilities were reported to police compared to 36% of sexual assaults against persons without disabilities.

# Statistics

- Many are abused multiple times, 49% of people with developmental disabilities are assaulted 10 or more times.
- More than 90% of people with developmental disabilities will experience sexual abuse in their lives.

# Statistics

- Persons with cognitive disabilities had the highest rate of violent victimization.
- Rate of sexual assault against people with intellectual disabilities is 7x the rate of those without.
  - For women with intellectual disabilities, the rate is 12x higher.



# Statistics

- “For each racial and ethnic group measured, persons with disabilities had higher violent victimization rates than persons without disabilities.”
- “For whites, blacks, Hispanics, and persons of other races, the rate of violent victimization for persons with disabilities was at least triple that of persons without disabilities.”

# Statistics - Youth

- Youth with disabilities are 2.9x as likely to experience sexual violence as non-disabled peers
- Youth with cognitive disabilities have 4.6x the risk for sexual violence compared to non-disabled peers
- 40-70% of girls with disabilities will experience sexual abuse prior to age 18
- Up to 30% of boys with disabilities will experience sexual abuse prior to age 18

# Various Identities

Risk of violence is higher for certain people with disabilities:

- People with intellectual or developmental disabilities
- People with psychiatric disabilities
- People with multiple disabilities
- People of color who have disabilities
- Women with disabilities
- LGBTQ+ folks with disabilities



# Legal Provisions

# Mandated Reporting

Welfare & Inst Code § 15630 (a):

“A person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not they receive compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or local law enforcement agency, is a mandated reporter.”

# Mandated Reporting

What situations/events need to be reported?

- Physical/Sexual/Financial abuse
- Neglect
- Abandonment
- Isolation
- Abduction (taking the person out of the state against his or her will)
- Other behavior that causes physical harm, pain, or mental suffering
- Deprivation by a caregiver of things or services that the elder or dependent adult needs to avoid physical harm or mental suffering
- Chemical Restraint (medications, drugs, alcohol)

\*\*Understand and acknowledge that reporting abuse may not lead to stopping that abuse\*\*

# Best Practices in Reporting

- Acknowledge survivor's choices and center survivor involvement and autonomy as much as possible
- Be clear
  - Know your roles and responsibilities
  - Know your protocols and process
- Provide notice of responsibilities
  - Intake/counseling scripts
  - Posted reminders
- Meaningful safety planning
- Know your resources

# Basic Principle: “Presumption of Competence”

- Adults (18+) are “presumed to be competent” and are legally able to manage their own lives unless a court decides otherwise.
- This applies to the vast majority of adults with I/DD. Approximately 15% of adults with I/DD are conserved after a court ruling.
- Anyone claiming to have legal authority over another should have legal documentation to prove this, documents must detail the specific powers the conservator holds.



# What is a Conservatorship?

- A legal arrangement decided by a judge to appoint another person to make some or all decisions for a person who is considered impaired.
- There are different kinds of conservatorships. An individual may have one or both kinds of conservators; one person can fulfill both roles.
  - “Conservator of the person”
  - “Conservator of the estate”
- Conservators are supposed to support the wishes of the person with I/DD and encourage their maximum potential. The court monitors the conservator.

# What is a Conservatorship?

- Most people with I/DD do **NOT** have conservatorships.
- A court monitors the conservator and the conservatorship.
- Law enforcement or APS will inform conservator, staff are not legally permitted to inform conservator.
- Sometimes conservators need to be involved in signing contracts including consent forms and liability waivers.

# Limited Conservatorships

A Limited Conservatorship identifies certain areas of control. The Court may grant the conservator the authority in one or more of the specific areas:

1. Decide where the conservatee lives.
2. Have access to the conservatee's confidential records.
3. Make all decisions concerning the conservatee's education and vocation.
4. Restrict the conservatee's right to enter into a contract.
5. Give or withhold consent for the conservatee's medical treatment.
6. Restrict the conservatee's social and sexual contacts and relationships.
7. Give or withhold consent to the conservatee's marriage.

The Court is required to consider the least restrictive options for the individual.



# Risk Factors & Barriers to Service

Use the Text Chat feature  
to answer the question.

Would cause folks with I/DD to  
be at an increased risk for  
violence?

- Organizational
- Societal
- Community

## LACK OF RESOURCES

Organizations that serve people with disabilities often experience a lack of resources—not only monetary or funding-based, but also a lack of resources related to prevention or intervention.

## STAFF TURNOVER

Currently, the disability field is experiencing a staffing crisis; there's more need than supply, and wages are poverty-level and stagnant. This increases turnover, which leads to less oversight and more instability of care.

## LACK OF EDUCATION

People with disabilities are often left out of sexual education, which leads to situations where they are uneducated about their body, the way that it works, what's private and what's public, sex, sexuality, sexual health, relationships, and more.

## NEGATIVE ATTITUDES

Societal attitudes towards PWD increase risk for abuse, particularly for PWD who are multiply marginalized—people of color, LGBTQ, immigrant populations, or people experiencing homelessness, for example.

## EXPERIENCING POVERTY

Many PWD experience poverty, earning less than \$15,000 per year. Although currently the poverty line for a single person under 65 is an annual income of \$11,770, healthcare costs and costs of living with disabilities further limit spending power. Additionally, the American Journal of Public Health estimates that 530,000 American families go bankrupt every year from medical debt.

## NO INTERNET ACCESS

Lack of internet access is a large barrier for many PWD, for many reasons including experiencing poverty or homelessness, lack of available providers (particularly in rural communities), or lack of support for being online or accessing the internet. Lack of web access may also mean lack of access to community, assistance, opportunity, employment, and info.

## LACK OF EXPERIENCE

Due to the staffing crisis, many people who are providing care to people with disabilities lack caregiving experience, and may not have the support to recognize, prevent, or intervene in victimization of the people who use their services.

## LACK OF CONFIDENCE

Staff often lacks confidence to give healthy relationship and healthy sexuality coaching to people who receive services. This may tie in to staff turnover, lack of organizational resources, or lack of staff experience.

## OTHERS' LACK OF BELIEF

When PWD disclose sexual violence, many people perceive them as being less credible than a person without a disability, often citing that the person made it up or did not understand what was really happening.

## FALSE IDEAS ON SEXUALITY

PWD are often seen as non-sexual beings who do not experience sexual desires, which is not true. People with disabilities experience the same spectrum of desire that people without disabilities do, from the same ages.

## LACK OF OPPORTUNITY

The rate of employment for PWD from the Bureau of Labor Statistics was 19.1% in 2019; the rate for people without disabilities was 65.9%. This gap reflects both the low employment rates for PWD as well as the lack of opportunities available. Currently, it is legal to pay PWD subminimum wage for working in certain locations, often referred to as 'sheltered workshops.'

## NO PUBLIC TRANSIT

According to the American Public Transportation Association (APTA), 45% of the population of the US lives in an area where there is no access to public transportation. The percent increases for PWD due to weather conditions and inaccessibility of currently available options. Buses with broken lifts, broken elevators in subway stations, or info only given through audio are all examples.

## NO PROCEDURAL CLARITY

Sometimes people will not respond properly to something if there's no process to follow. Organizations need to implement abuse reporting procedures and make sure staff understands them.

## MISSING BACKGROUND CHECKS

A failure to perform background checks on *all* people in the organization can increase the risk of violence against PWD by providing opportunity for harm. This includes maintenance, volunteers, staff, and so on.

## SOCIAL ISOLATION

PWD often experience social isolation due to a variety of factors, including overcontrolled environments, lack of access to transportation, lack of access to the internet, caregiver belief or comfort, lack of staffing, et cetera.

## LACK OF ACCOUNTABILITY

People who cause harm are often not caught or not held accountable for sexual violence. Though this is a pervasive societal issue, due to the combined social factors it has an outsized impact on PWD.

## LACK OF (ACCESSIBLE) TRANSPORTATION

When public transportation isn't an option, private transportation becomes a necessity. Accessible vehicles are often prohibitively expensive, and many people with disabilities are not taught how to drive due to societal attitudes. Ride sharing services like Lyft and Uber are frequently inaccessible and riders who use mobility devices have reported having rides canceled or encountering hostile drivers. Service dog users have experienced similar problems.

Personal vehicle maintenance can also be expensive; the APTA estimates that the average household spends 16 cents out of every \$1 on transportation (16% of their income)—the largest expense after housing. On an annual income of \$15,000, that's \$2,400 per year.

## OVER-CONTROLLED ENVIRONMENT

Many people with disabilities experience life within an authoritarian environment where they aren't granted the agency to make their own choices or decisions; this often extends to decisions about their bodies and sexualities.

## ASSISTANCE BARRIERS

People with disabilities often experience cultural and societal barriers that impede their abilities to find and access assistance. This may include assistance that is not in ASL for individuals who are deaf or hard of hearing; lack of support from caregivers or staff to acquire assistance; overreliance on verbal communication or evidence; or agencies and organizations that are not equipped to assist people with intellectual or cognitive disabilities.

# Conditions That Create Higher Risk for Victimization

- Seen as “easy targets” or “ideal victims”
- Isolation and segregation
- Devaluation
- Presumed lack of credibility
- Increased exposure to potential abusers
- Given little control over life choices
- Economic instability
- Denied education about healthy relationships, consent, sexuality, and abuse
- Negative messaging about relationships and sexuality
- Systemic denial of the right to make decisions about relationships
- Culture of compliance

# Culture of Compliance

## Consequences:

- desire to please authority
- reliance on social cues
- looking for the answer
- confusion
- anger
- fear
- limitation on generalization
- low self-esteem/confidence
- easily persuaded by others
- tend to over trust authority/service providers
- lack of bodily autonomy





# Access to Supports & Services

Why are survivors with I/DD less likely to access/receive services and supports?

- Physical, communication, programmatic, and attitudinal barriers in law enforcement and legal system
- Organizations that serve people with disabilities are unaware of victim services or unsure if victim services would be able to support their clients
- Victim service organizations lack accommodations, staff training, and resources to serve survivors with disabilities and do not reach out to the disabled community, particularly those with I/DD



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# Breakout Room

10 minutes

What were some of the conditions and contributing factors to sexual violence that you noticed in these survivor stories?

What are some of the barriers to services that the survivors mentioned or alluded to or that we can interpret from these stories?

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