



July 30, 2007

Dear Senator:

The undersigned member organizations of the National Disability Rights Network (NDRN) are writing to urge your support for the Local Law Enforcement Hate Crime Prevention Act of 2007 (LLEHCPA), which would grant agencies the authority to investigate and prosecute federal crimes based on the victim's disability, whether real or perceived, and would authorize funding to states to help with the prosecution of Hate Crimes.

Through much of our country's history and well into the twentieth century, people with disabilities -- including those with developmental delays, epilepsy, cerebral palsy and other physical and mental impairments -- were seen as useless and dependent, hidden and excluded from society, either in their own homes or in institutions. Now, this history of isolation is gradually giving way to inclusion in all aspects of society, and people with disabilities everywhere are living and working in communities alongside family and friends. But this has not been a painless process. People with disabilities often seem "different" to people without disabilities. They may look different or talk different. They may require the assistance of a wheel-chair, a cane or other assistive technologies. They may have seizures or have difficulty understanding seemingly simple directions.

These perceived differences evoke a range of emotions in others, from misunderstanding and apprehension to feelings of superiority and hatred. Bias against people with disabilities takes many forms, often resulting in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the Americans with Disabilities Act and the Rehabilitation Act are designed to protect people with disabilities from this type of prejudice.

Perhaps most unfortunately, disability bias can also manifest itself in the form of violence — and it is imperative that a message be sent to our country that these acts of bias motivated hatred are not acceptable in our society.

The federal government currently has very limited authority to investigate and prosecute disability-bias **federal** crimes. In 1994, Congress enacted a penalty-enhancement law for **federal crimes** in which the defendant intentionally selects a victim because of the person's

“actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person” [28 USC 994 Note]. Also in 1994, Congress extended the Hate Crime Statistics Act of 1990, a law requiring the FBI to collect hate crime statistics from state and local law enforcement authorities, to include disability-based hate crimes. Still, hate crimes against those with disabilities remain vastly under-reported.

The LLEHCPA will broaden the definition of hate crimes to include disability, sexual orientation, gender and gender identity. It also makes grants available to state and local communities to combat violent crimes committed by juveniles, train law enforcement officers or to assist in state and local investigations and prosecutions of bias motivated crimes.

Thirty-one states and the District of Columbia have already recognized the importance of this issue and have included people with disabilities as a protected class under their hate crimes statutes. However, protection is neither uniform nor comprehensive, and this has important practical and symbolic results. It is vital for the federal government to send the message that hate crimes committed because of disability bias are as intolerable as those committed because of a person’s race, ethnicity, national origin, or religion. The crucial resources provided to local law enforcement in the Local Law Enforcement Hate Crime Prevention Act of 2007, would give meaning and substance to this important message. It is critical that people with disabilities share in the protection of the federal hate crimes statute.

Too frequently, bias-motivated crimes against those with disabilities have gone unreported and unprosecuted. The special problems associated with investigating and prosecuting hate violence against someone with a disability makes the availability of federal resources for state and local authorities all that much more important to ensure that justice prevails.

We urge you to support the Local Law Enforcement Hate Crime Prevention Act of 2007. This legislation is vitally important for this vulnerable population and must be enacted in order to bring the full protection of the law to those targeted for violent, bias motivated crimes simply because they have a disability.

Sincerely,

National Disability Rights Network

Advocacy Center (Louisiana’s P&A)

Advocacy Center for Persons with Disabilities (Florida P&A)

Alabama Disabilities Advocacy Program

Arizona Center for Disability Law

Advocacy, Inc. (Texas P&A)

Comprehensive Advocacy, Inc. (Co-Ad) Idaho P&A

Connecticut Office of Protection and Advocacy for Persons with Disabilities

Disability Law & Advocacy Center of Tennessee

Disability Law Center, Inc (Massachusetts P&A)

Disability Law Center of Alaska

Disability Rights Center - Arkansas

Disability Rights Center of Kansas

Disability Rights Center of Maine

Disability Rights Network of Pennsylvania

Disability Rights Washington

Disability Rights Wisconsin

Equip for Equality (Illinois P&A)

Hawaii Disability Rights Center

Iowa Protection and Advocacy Services, Inc

Kentucky Protection and Advocacy

Maryland Disability Law Center

Michigan P&A Services

Minnesota Disability Law Center

Mississippi Protection and Advocacy System

Missouri Protection & Advocacy Services

Montana Advocacy Program

Native American Disability Law Center, Inc.

Nebraska Advocacy Services, Inc.

Northern Marianas Protection and Advocacy Systems, Inc. (CNMI)

NYS Commission on Quality of Care & Advocacy for Persons with Disabilities

New Jersey Protection and Advocacy, Inc.

Office of the Governor-Ombudsman for the Disabled (Puerto Rico P&A)

Ohio Legal Rights Service

Protection and Advocacy for People with Disabilities, Inc (South Carolina P&A)

Protection and Advocacy, Inc. (New Mexico P&A)

Protection & Advocacy Project (North Dakota P&A)

The Disability Law Center (Utah P&A)

The Georgia Advocacy Office

The Legal Center for People with Disabilities and Older People (Colorado P&A)

Vermont Protection & Advocacy, Inc.

West Virginia Advocates, Inc.