OPINION: Police violence sparks disability rights movement

Ethan Saylor died as tragically as Eric Garner. Now Saylor’s family seeks to change policing for the disabled

December 22, 2014 2:00AM ET

You’ve heard this story before: A large man was confronted by law enforcement officials over a minor issue. He didn’t initially comply with their orders, so they grabbed him and put him on the ground. In the process, the man asphyxiated. The law enforcement officers were not charged by a grand jury.

This tale is not about Eric Garner, but about Ethan Saylor. Ethan, a 26-year-old man from New Market, Maryland, with Down syndrome, died almost two years ago, on Jan. 12, 2013. He was killed over the price of a movie ticket, breathing his last on the floor of a cinema, asking for his mother.

He had gone into Frederick, Maryland, to see “Zero Dark Thirty,” watched it, and then decided he wanted to see it again. The cinema manager called three off-duty-deputies who were moonlighting as security guards, and they decided to evict Saylor from the theater. After Saylor didn’t comply with their orders, the deputies ignored his aide. They refused to wait until Ethan’s mother, Patti, arrived to defuse the situation. Instead, they got physical and handcuffed him. In the process, his trachea was fractured, and he died.

For almost nine months, the story of this tragedy was mostly limited to the local area and the disability community. Gradually, though, the efforts of Saylor’s family and many writers and advocates managed to get some attention to the story, and then pushed the state of Maryland to respond.

As we head toward the second anniversary of his death, though the tragedy remains ever-present for his family, it’s been joined by a genuine sense of hope. Ethan’s mother, Patti Saylor, has been working with a commission that has achieved something new: Disability activists, politicians, members of law enforcement, and, most important of all, self-advocates with disabilities, have come together to change policing in Maryland. They hope that it can be a model for the country and lead to a much bigger conversation about what society must do to be more inclusive for all people with disabilities.

Saylor and Garner

In the days after the non-indictment of Daniel Panteleo, the member of the NYPD who choked Eric Garner to death, both the New York Times Editorial board, and me, on CNN, drew parallels between the two deaths by asphyxiation. On social media, old stories about Ethan Saylor’s death and the lack of
indictment started popping up, as many people just now tuning in to the broader issue of police violence in America became aware of the Saylor story for the first time.

The differences between the two cases are really important. Saylor was white and had an intellectual disability. His death seemed like an anomaly. Garner’s death, of course, took place in the long and terrible history of state violence against African Americans. His death seems all too familiar. And yet both tragedies reveal the systemic problems with police procedure that intersect with generations of structural racism, confusions about disability, and a society that seems too unwilling to hold police officers accountable for deaths-in-custody.

It took a long time for Ethan’s death to become a national story. It didn’t fit the pattern of stories that easily generate outrage. In August of 2013, though, a petition calling on then Governor Martin O’Malley to act surged from a few thousand to over three hundred thousand signatories, the national media got involved, and soon O’Malley met with the Saylor family. By executive order, O’Malley formed the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities.

Ethan Saylor died in a society that has no real place for young men and women with Down syndrome or many other disabilities.

I spoke with Patti Saylor about her experience as a member of this commission. Despite all the hardships of the last two years, she is relentlessly positive about the work they’ve been doing. Patti said that the commission is bringing self-advocates (people with disabilities advocating for people with disabilities), disability advocates, law enforcement, state agencies together. “The level of commitment and the level of actually working together and getting things done — the collaboration level in this commission is profound,” she said.

So what have they accomplished? First, the commission recommended that all law enforcement officials in Maryland receive “Crisis-Intervention-Training” (CIT). CIT, developed in Memphis in the late 1980s, provides officers with knowledge about disabilities, strategies for interacting with people with disabilities and access to resources to help people in mental health crises. The General Assembly accepted this recommendation and became the first state to mandate that all law enforcement officials receive CIT training. The scale of this decision was new, but the idea of using CIT to reduce the rate of violent interactions between police and people with disabilities is not.

Next, the Commission recommended something unprecedented: Instead of relying solely on professional trainers and members of law enforcement to provide CIT to Maryland’s police, the goal is to build a partnership between self-advocates and the trainers. This co-taught model comes out of the principle of “nothing about us without us,” a vital rallying cry in the disability rights movement. The focus on this partnership, though, is not merely political or symbolic. Instead, members of the commission hope, the partnership will model inclusion even while training law enforcement to provide it. Patti noted that it took some time for people from outside the disability community, especially law enforcement, “to
understand that self-advocates can represent themselves if we listen.” Now, she says, “the law enforcement community is completely committed to self advocates as well.”

The only concern is how to make sure there are enough self advocates to meet demand. Enter the idea for a Ethan Saylor Maryland Center for Self-Advocates, something that the commission members hope will be funded by the state in the next session. This center would train self-advocates to work with law enforcement, coordinate support systems and handle logistics.

Tim Shriver, the chairman of Special Olympics and the appointed head of this commission, told me that the mandate for this committee was to offer a broad response to police violence and people with disabilities. The commission had to confront the “systemic challenge to end discrimination against people with intellectual and developmental disabilities.” It’s a largely unrecognized form of discrimination, Shriver argued, and it’s especially difficult to solve problems “people don’t know they have.” Hopefully, the co-taught training will address the deep underlying prejudices and the specific knowledge-gaps that lead to incidents such as the death of Ethan Saylor.

**What comes next?**

In pursuing these reforms, the family did not give up on accountability. A lawsuit is ongoing and in the discovery phase. The deputies have never been held responsible. On the anniversary of Ethan’s death, a professor from Hood College, in the town where Ethan died, has organized a candlelight vigil. On Dec. 23, there will be a march from Hood to the county courthouse, followed by a screening of a rough cut of a new documentary on Ethan’s death. As in so many of these cases, justice remains elusive.

Meanwhile, Shriver has high hopes for the commission. He feels they have done an excellent job starting the process of building a more inclusive police force, but now it’s time to turn to other ways in which our society doesn’t make room for people with disabilities: public transportation, health care, court systems, jobs and more. This will only happen if the new governor, Republican Larry Hogan, decided to re-authorize the commission.

“Governor-elect Hogan won’t be commenting on policy issues until he takes office,” a spokesperson said. “We look forward to revisiting the topic of the Division of Disability Inclusion then.”

I hope Governor-elect Hogan makes the right call. Next year is the 25th anniversary of the American with Disabilities Act, and we’ve come just far enough to see how much more work there is to do. Two years ago, a man died in a movie theater because three deputies didn’t know how or didn’t have the patience to work with a man with Down syndrome. He died because a cinema manager decided to call security. He died because no one in the theater decided to intervene and just pay for a ticket. He died in a society that has no real place for young men and women with Down syndrome or many other disabilities.
His death did, however, bring diverse communities together, spark dialogue and launch substantive change. Hopefully, Maryland will keep this momentum going and become, in Ethan’s memory, an example to the rest of the country.

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