

Welcome to today's panel!

- **First time using Webex?**

- You can communicate with other attendees or the host in the **Chat Box** and seek technical assistance if needed.

- You can type questions about the material presented in the **Q&A** section.

- Today's webinar will be **recorded and shared publicly**. Please keep this in mind when sharing information and experiences during the webinar.



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Effective Interaction with Law Enforcement Agencies

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Thank you for joining us today!

- As with the general population, most individuals with intellectual or developmental disabilities (I/DD) are law-abiding citizens
- Individuals with I/DD face a greater risk of criminal justice involvement as either defendants or victims/witnesses
- Anyone can become a witness
- Every defendant is presumed innocent and entitled to exercise his or her rights



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As a Defendant/Suspect

- There is no bar to being charged or prosecuted because you have an I/DD
- Issues related to competency* at the time of the crime or the ability to understand criminal proceeding may be raised later



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To view NCCJD's webinar and download corresponding white paper on the topic of competency and I/DD, see:

<http://www.thearc.org/NCCJD/publications>

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Why Communication is KEY

- Many CJ professionals lack understanding about I/DD and have no access to referral sources, technical assistance, or training.
- For many reasons, cognitive impairment and deficits can limit meaningful interaction with the criminal justice system

Why We Need To Communicate

- Agencies created to assist people with disabilities are not usually trained or equipped to work with justice-involved populations.
- Systems, by and large, have not been put in place to assist this population.



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I/DD System

- Lack of expertise or familiarity with the CJ system
- Service Providers unsure how to address the needs of justice-involved clients
- Lack of incentives to provide housing and services to justice-involved people with I/DD, often considered “high risk”



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The Numbers

- Rate of violent victimization is not only double, but triple*
- People with I/DD represent 4% to 10% of the prison population, with an even greater number of those in juvenile facilities and jails.
- 70% of justice-involved youth have disabilities.

Research Tells Us...

- When any criminal offender has supervision and is gainfully employed or has activities in the community, recidivism is reduced
- Justice-involved people with I/DD receive little specialized attention from supervisory systems
- They also face more challenges becoming part of the work force and finding adequate housing



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Key “Take Aways” Every Advocate Should Know

- Help officers find their “why”
- Helping officers identify I/DD
- Common interactions
- ADA accommodations
- Crisis prevention vs. crisis intervention
- Procedural justice



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Motivators

- Law enforcement training on I/DD is rare, and demand is on the rise
- Misunderstandings about psychiatric disabilities and I/DD are common
- Higher rate of involvement in CJ system
- Supports community policing philosophy
- Incorporates procedural justice



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Why I/DD = Hidden Disability

- While some people with I/DD do have physical characteristics (ex: Down syndrome), most do not, and many have no specific diagnosis
- Most people have a “mild” form of I/DD and look no different from others, which can lead to more severe consequences in the criminal justice system
- Due to fear of rejection, they often don't want to disclose their disability and over time learn how to fake understanding and “get by”



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Intellectual Disability

Decreased ability to learn; thoughts are limited by cognitive ability and understanding

Affects a person's IQ

Onset occurs before age 18

Medication cannot restore cognitive ability

Is lifelong; there is no cure

Often assessed by a psychologist

Mild ID often not noticeable in the criminal justice system

Psychiatric Disability

Disturbances in thought processes and perception; may experience hallucinations and delusions

IQ is not affected

Onset can occur at any stage in life

Medication can often control the symptoms

May be temporary, cyclical or episodic

Often diagnosed by a psychiatrist

May be noticeable in situations involving outward signs of psychiatric disability

Common Interactions

- Used by criminals without disabilities unknowingly
- False confessions
- Offensive or suspicious behavior
- Strange or out of the ordinary behavior
- Wandering
- Seizures



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International Association of Chiefs of Police (IACP) Model
Policy: Encounters with People with I/DD (in review, 2014)

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Disadvantages in the System

- Disability often unnoticed
- False confessions common due to desire to please officer/investigator
- Placed in institutions to “regain” competency
- Often unable to assist in own defense
- Rights are waived unknowingly
- Testimony deemed not credible



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Applying Americans with Disabilities Act (ADA) to Policing Services

- Urges officers to identify disability and respond appropriately
- More lenient treatment is not requested, but effective accommodations/supports
- Physical vs. cognitive (overt vs. covert)
- ADA lawsuits against law enforcement in some states (ex: failure to train)



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Recent Guidance from DOJ, Civil Rights Division

<https://www.ada.gov/cjta.html>

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I/DD-Specific Accommodations Law Enforcement Can Use

- Take extra time to ask more questions to determine presence of disability
- Speak slowly, clearly; check for understanding
- Use simple language, pictures, symbols, communication boards
- Call on local disability agencies
- Assist filling out forms as needed
- Request support person when reading Miranda



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Crisis Prevention vs Crisis Intervention Approach

- Do you think people with I/DD most often come in contact with officers in crisis situations or for other reasons?
- CIT programs often focus on addressing crisis intervention and psychiatric disabilities
- Shift focus to *community policing principle* of relationship-building and *disability principle* of inclusion
- This creates a safeguard against potential crisis involving citizens with I/DD



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Applying Procedural Justice* to People with I/DD

- Citizens are allowed to explain the situation before officers make decisions on what to do
- Officers stay neutral, rely on facts of the incident and not personal opinions or biases
- Citizens believe they should be treated with respect, dignity and politeness (not demeaning or dismissive treatment)
- Citizens respond positively when authorities are benevolent, caring and sincerely trying to do what is best for those they are assisting

* Definition: How people regard the justice system is tied to their belief of how fair the process is, not the outcome

See <https://cops.igpa.uillinois.edu/procedural-justice-resources>

Pathways to Justice® - 4 Steps

Two primary challenges: lack of identifying I/DD and miscommunication

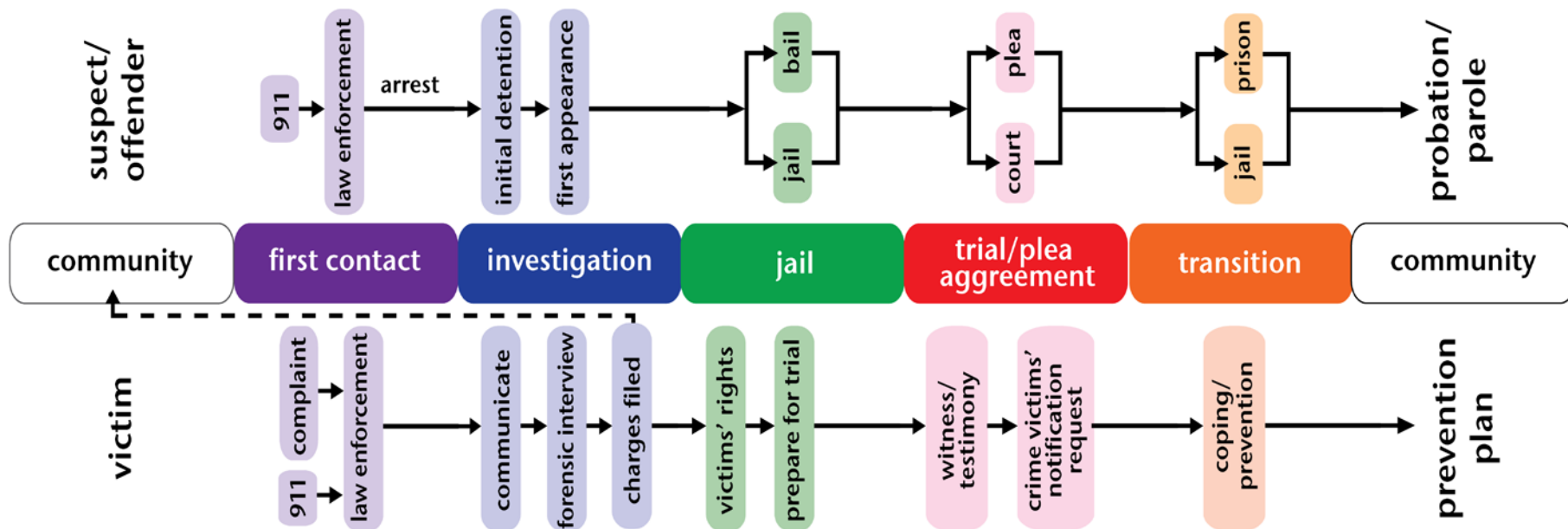
- Officers learn 4 Steps:
Identify - Communicate - Assess - Support
- Encourage police departments to adopt policies that help officers identify I/DD and use effective communication techniques (example: IACP policy)
- A model encounter in Denver, CO: Officer Dean Walker's response to man with autism



National Center on
Criminal Justice & Disability

- Steps:
1. **Identify**
 2. *Communicate*
 3. *Assess*
 4. *Support*

Pathways to Justice Model*



*This model is based on The Sequential Intercept Model. SAMHSA's GAINS Center for Behavioral Health and Justice Transformation. (2013). Developing a comprehensive plan for behavioral health and criminal justice collaboration: The Sequential Intercept Model. Delmar, NY: Author.

Pathways to Justice®

Profession Specific Tip Sheets

- *10 Facts Law Enforcement Needs to Know When Serving & Protecting People with Intellectual and Developmental Disabilities (I/DD)*
- *5 Facts Attorneys Need to Know When Representing or Working With Citizens with Intellectual and Developmental Disabilities (I/DD)*
- *10 Facts Victim Service Providers Need to Know When Serving & Protecting People with Intellectual and Developmental Disabilities (I/DD)*



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Available at: <http://www.thearc.org/NCCJD/publications>

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Communication Strategies

- Take the opportunity to communicate with local police before there is an emergency
- Introduce self and family

Communication Strategies: Calling 911

- Call 911 for emergencies
- Realize that a squad car will come along with ambulance, first aid squad
- Be prepared to explain the person's disability quickly and efficiently-practice!
- Know how to describe the disability in simple terms
- If you the person's guardian, let them know



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Communication Strategies: Calling 911

- Know names and contacts for service providers
- Don't use acronyms
- Provide practical suggestions for how to talk to the person (if touch, sound or eye contact is an issue)
- Let officers know best ways to communicate
- Let officers know if there's an object that helps



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Help Officer Understand “Triggers”

- Sensory issues
Crowds, sounds/noise, space (too large, crowded, bright or loud) smells, food, clothing (too tight/scratchy)
- Social situations
Unplanned events, changes in plans, large gatherings



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What Triggers Anxiety for People with ASD. Indiana Resource Center for Autism. Available on-line:

<http://www.iidc.indiana.edu/index.php?pageId=3562>

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Bad Behavior or Emotional Reaction?

"I was not always accepted when I was growing up. Sometimes my emotional reactions were misunderstood in public and sometimes even within my own family... As I grew up, I continued to run into people who did not understand my reactions to certain situations. My actions in some situations were viewed as behavioral problems instead of just emotional reactions.

On one episode of the TV show COPS, a man with developmental disabilities broke up with his girlfriend. He did not take it well and ended up in an emotional flare up. He was screaming when officers arrived. One officer said, 'One more outburst and you're going to jail!' Then the man let out a cuss word, and he was arrested for disorderly conduct. Was he just reacting emotionally to a difficult situation or was he showing bad behavior?"



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Sampson, T (Fall 2014). *Don't Mistake Emotional Reactions for Bad Behavior.* Apostrophe Magazine

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Why Common Interviewing Techniques Can Backfire

- Problems with receptive and expressive language
- Watching for clues from the interrogator
- Desire to please people in authority
- Exhaustion and the surrender of all defenses



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See: *Perske's List - False Confessions From 75 Persons with Intellectual Disability*. *Intellectual and Developmental Disabilities*: Vol. 49, No. 5, pp. 468-479, October 2011
Online: <http://www.thearc.org/NCCJD/materials/perske-list?>

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Use of Force: Psychiatric Disabilities

- Little data collected on a national level about killing and injuries of people with psychiatric disabilities
- People with psychiatric disabilities are four times as likely to die in encounters with law enforcement*

* *Law Enforcement and People with Severe Mental Illness -
Backgrounder*
available on-line:

[http://www.treatmentadvocacycenter.org/resources/
consequences-of-lack-of-treatment/jail/1385](http://www.treatmentadvocacycenter.org/resources/consequences-of-lack-of-treatment/jail/1385)



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Alternative Options

- Arrest can still occur
- Understand basics of court system
- ADA accommodations also apply in court setting
- Look for program that can assist

The Criminal Justice Advocacy Program

- Provides alternative to incarceration and case management for people with I/DD in the criminal justice system
- Provides information to attorneys and the judiciary about people with I/DD
- Assists probation and parole by locating and securing services in the community and helping to ensure compliance



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Learn more on our web site:

http://www.arcnj.org/programs/criminal_justice_advocacy.html

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Personalized Justice Plans (PJPs)

- Finalize the plan and condense into a letter
- Detail all services in the PJP, specific facts of the case, describe the person's disability and provide contact information
- Share letter with attorney prior to court for their review and comment
- Send letter directly to the judge with copy to all parties
- Appear in court if possible to explain PJP in person



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Assisting Our Clients

- Locating Information and Background-Intake
- Obtaining a signed Release of Information and using it to gather background about the offender
- School records, medical records, prior criminal history
- Getting a full, comprehensive picture of the client helps inform possible services



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Assisting Our Clients

- Identify existing services:
 - Housing: Independent Housing, Residential Provider.
 - Disability Service Providers: supported employment services, respite care, recreational and other programs.
 - Psychologists, therapists and programs that address offender issues: sexual offending behavior, drug/alcohol addiction.



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Personalized Justice Plans

- Each case is individual, no two PJPS are the same.
- PJPs must address the needs of the Court.
- Accountability and Responsibility must remain with a competent defendant.

Personalized Justice Plans

- PJP format:
 - Address multiple areas and can be tailored to meet the needs of each individual
 - **Draft a plan:** include the input of all involved parties - most importantly the offender! If the person is not willing to follow the recommendations of the PJP it will not work!



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GOAL of PJP

- Preventative tool against future criminal involvement
- Reduction in recidivism
- Successful integration in the community



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To view a free webinar on PJPs, see NCCJD's webinar:
<http://www.thearc.org/NCCJD/training/webinars/archive/alternatives-to-incarceration>

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Knowledge is Key

- Successful advocacy with regards to the criminal justice system is dependent upon our knowledge and understanding of both systems
- The human service system and criminal justice system function in two distinct spheres, each with their own vocabulary and hierarchy
- Clear, concise, jargon-free communication between systems is the key to successfully advocating for people with developmental disabilities who become involved in the criminal justice system



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See Each Encounter as an Opportunity to Educate

- Every time the human service system and criminal justice system interact, there is an opportunity to educate one another
- More awareness and understanding between our systems will result in an improvement in the administration of justice for all people with I/DD
- Learn more about **Disability Response Teams** and ask NCCJD to help you create one in your community



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To learn more about DRT, see
<http://www.thearc.org/NCCJD/publications>

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Nothing About Us Without Us...

How to Make Your Voice Heard

- NCCJD's Pathways to Justice® and Disability Response Teams
- The Arc of New Jersey's CJAP
- Ethan Saylor Commission, The Arc of MD
- Growth Through Opportunity Program (GTO)
- NCCJD National Advisory Committee
- NCCJD New Sexual Violence Prevention Project
<https://blog.thearc.org/2017/01/26/new-project-announcement-arcs-national-center-criminal-justice-disabilities-nccjd-board-resource-center-brc/>



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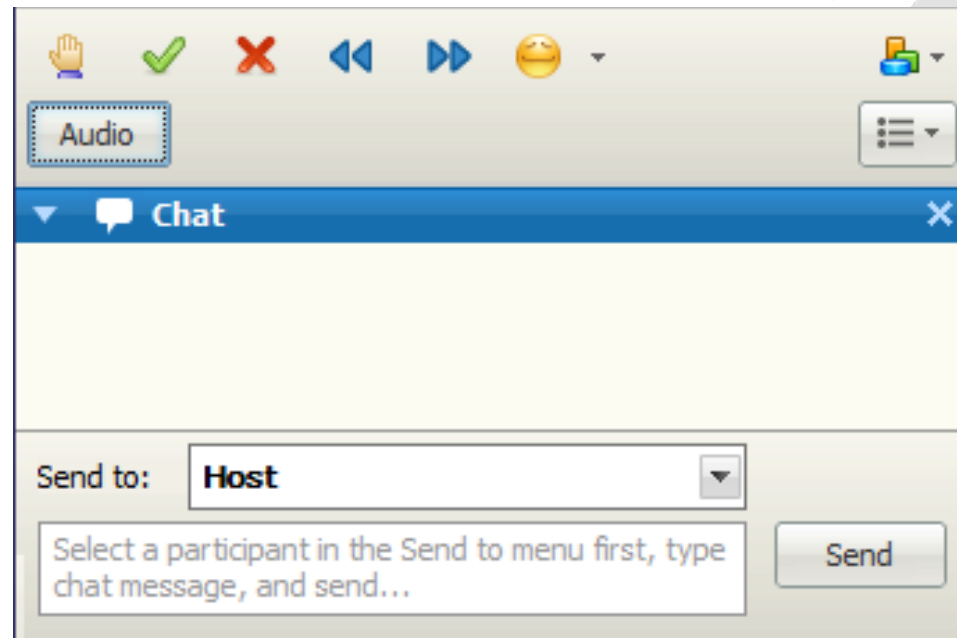


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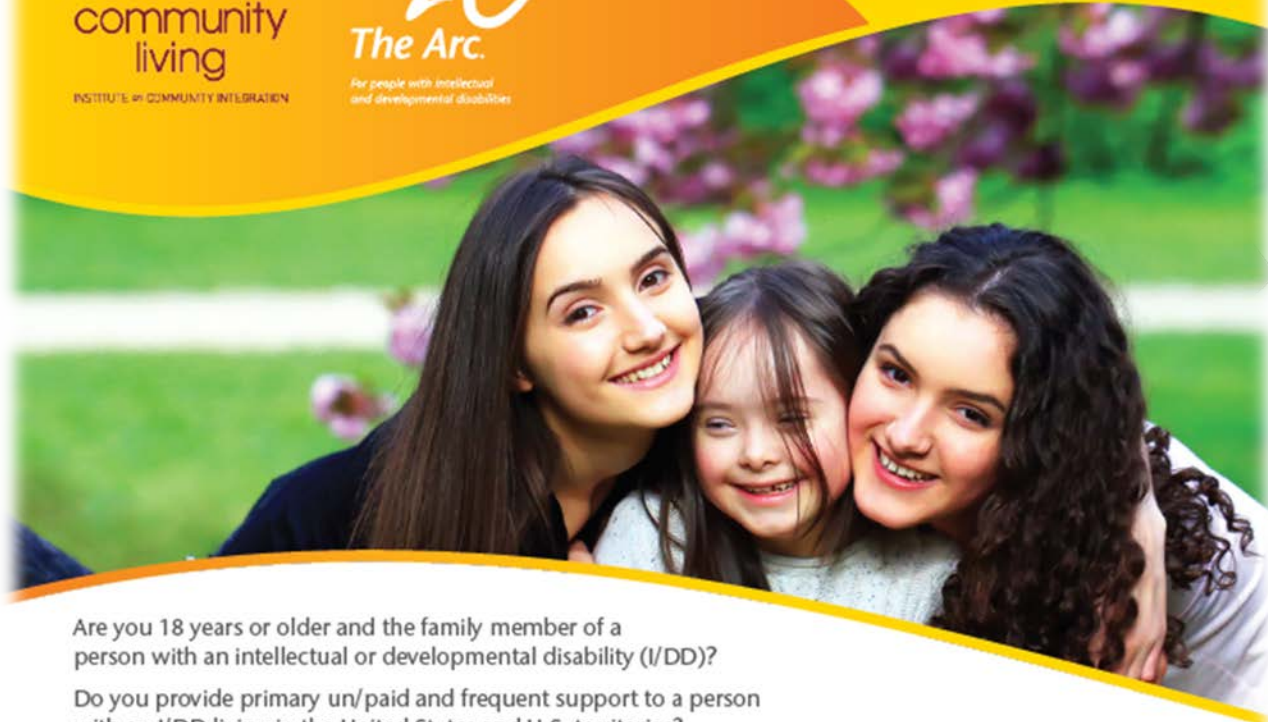
Questions?

Please raise your hand and we will call on you OR type your question into the chat box.



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For more information,
visit www.thearc.org/finds

Are you 18 years or older and the family member of a person with an intellectual or developmental disability (I/DD)?

Do you provide primary un/paid and frequent support to a person with an I/DD living in the United States and U.S. territories?

If so, you're invited to learn more about participating in the
**Family and Individual Needs
for Disability Supports
(FINDS) Survey.**

This survey is being conducted by the University of Minnesota's Research and Training Center on Community Living and The Arc to learn more about the experiences of parents and family members who provide support to their family member with intellectual or developmental disability.

To learn more about the 2017 study,
visit thearc.org/finds.



Next Webinar

Supported Decision-Making: From Theory to Reality
May 2017

If you have any questions, please contact us at
futureplanning@thearc.org



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