

Fostering Inclusive Communities: Bridging Gaps Between Individuals with Intellectual and Developmental Disabilities and the Criminal Justice System

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Who am I?

- Sibling to sister with Down syndrome
- Local, state, and federal political experience:
 - Campaigns
 - Legislative Policy
 - Outreach
- Legislative Advocacy Coordinator – The Arc of Illinois
- Neurodivergent & physically disabled

How did we get here?

- Became aware of the injustice of the criminal justice system in high school
- Full of inequities and bias:
 - Racially, socioeconomically, and towards individuals with disabilities
 - Limited access to **justice**
- Lack of accountability
- Mass incarceration

Before we go any further...

Trigger Warning:

This presentation will discuss instances of mistreatment and discrimination against individuals with disabilities.

This may be distressing or triggering.

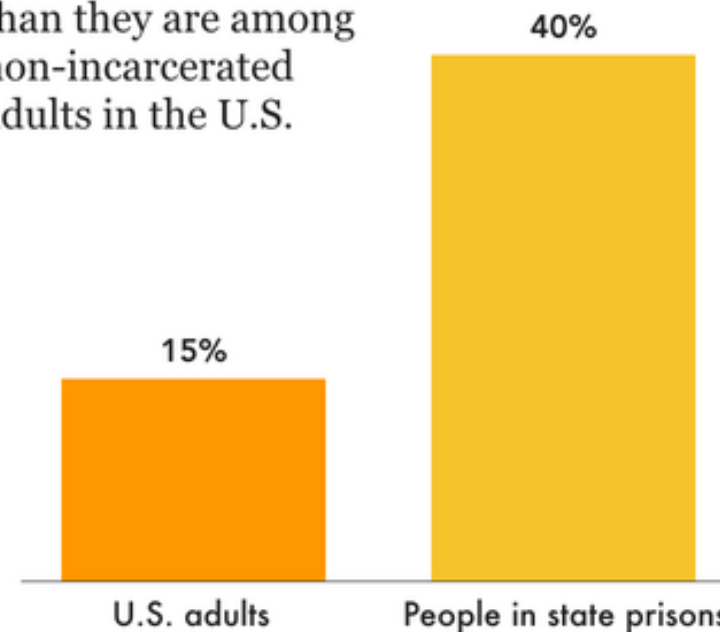
The Relationship Between People with IDD and the Criminal Justice System

- People with disabilities are overrepresented at all stages of the criminal justice system
- People with IDD have a 4-10x higher risk of becoming victims of crime when compared to those without disabilities
- People with disabilities experience higher rates of violence than people without disabilities
- People with cognitive disabilities had the highest risk of violent victimization

The Relationship Between People with IDD and the Criminal Justice System

- Compared to 15% of the US general population, 40% of people in state prisons have a disability
- Cognitive disabilities such as autism, Down syndrome, and learning disorders impact about 1/4 of incarcerated individuals

Disabilities are much more common among people in state prisons than they are among non-incarcerated adults in the U.S.



Sources: Bureau of Justice Statistics' *Disabilities Reported by Prisoners* Table 2 and the Census Bureau, American Community Survey, 2016

Black Lives Matter



- Eric Garner was killed on July 17, 2014
- Kajieme Powell was killed on August 19, 2014
- Tanesha Anderson was killed November 13, 2014
- Freddie Gray died on April 19, 2015
- Sandra Bland died on July 13, 2015

These individuals were not just African-Americans – they were **disabled** African-Americans

Between one-third and one-half of all people killed by police are disabled

Some Problems

- As suspects, individuals may:
 - Not understand their rights but pretend to understand
 - Not understand commands or instructions
 - Be overwhelmed by police presence
 - Try to run away
 - Have difficulty describing facts or details
 - Be confused about who is responsible for the crime
 - Be easily victimized and targeted
 - Be easily influenced by and eager to please others
 - Think the perpetrator is a “friend”
 - Have very few ways to get help

Report of the Protection of Individuals with Disabilities in the Criminal Justice System Task Force

- Created by the Illinois General Assembly to examine ways in which the different aspects of Illinois' criminal justice system interact with and serve persons with disabilities
- Task Force includes representatives from the criminal justice system, state agencies, and disability service providers, as well as persons with disabilities and family members
- Engaged in research, interviews, dialogue with those representing diverse interests and points of view
- **More than 20 recommendations** regarding policies, procedures, legislations, and other actions

Overview and Background

- Specifically directed the Task Force to consider the following with respect to persons with disabilities:
 - Involvement with police
 - Detention and confinement in correctional facilities
 - Representation by counsel
 - Participation in their criminal justice system
 - Communications with families
 - Awareness and accommodations with disabilities
 - Concerns for the safety of the general public and individuals working in the criminal justice system
- Initially pursued as a collaboration between the IL Guardianship Advocacy Commission (IGAC) and The Arc of Illinois when both agencies began seeing trends surrounding the involvement and potentially disparate or denigrating treatment of persons with disabilities in the criminal justice system

Committees on the Task Force

- Representation by Counsel and Individual Participation in the Criminal Justice System
- Police Interactions
- Detention in Correctional Facilities
- Criminal Justice System Awareness of Disabilities and the Need for Accommodations

Recommendations

Recurring themes:

1. Persons with disabilities have access to an advocate when involved with the criminal justice system
2. Parties involved in the system receive disability awareness education

Representation by Counsel and Individual Participation in the Criminal Justice System Committee

1. An advocate should be appointed to assist a citizen with disabilities engaged with the criminal justice system from initial engagement with law enforcement (if possible) through jailing, court proceedings, sentencing, treatment, or as otherwise directed

States with similar programs:

Indiana and Oklahoma

Representation by Counsel and Individual Participation in the Criminal Justice System Committee

2. Training should be provided for all court personnel, including, but not limited to, judges, bailiffs, clerks, court reporters, victim's advocates, State's Attorney's, public defenders, attorneys representing the developmentally disabled, sheriffs, police officers, and jail personnel

Police Interactions Committee

- 3. Improve training for emergency dispatch to appropriately triage calls involving individuals with disabilities**
- 4. Extend certain legal protections to adults with disabilities.**
- 5. Provide step-down resources for individuals being discharged from hospitals or from police stations to prevent further interactions with law enforcement**
- 6. Enhance and expand training for law enforcement officers on recognizing disabilities and directing individuals to resources**

Police Interactions Committee

7. Make funding available for counties and municipalities to pilot co-responder models to minimize unnecessary contacts with police, such as the Crisis Assistance Helping Out on the Streets (“CAHOOTS”) Model

CAHOOTS is a mobile crisis intervention program that was created in Eugene, Oregon. They respond to calls that are dispatched through the police-fire-ambulance communications center that are deemed to be non-criminal cases.

Each CAHOOTS team consists of a medic and a highly trained crisis worker.

Diverts 5-8% of calls from the police.

Police Interactions Committee

8. Police departments should strive to have a sufficient number of specialized Crisis Intervention Team (CIT) officers during each shift

CIT is a specialized training that officers can *voluntarily* receive to improve de-escalation skills.

Committee recommendations to support CIT:

- Make funding available for departments to strengthen their CIT programs
- Make mental health resources available to CIT officers

Detention in Correctional Facilities Committee

9. Recruit, hire and retain mental health and ID/DD professionals from various arenas/programs

10. IDOC and appropriate stakeholders review the IL County Jail Standards and make recommended changes based on nationwide best practice established by the American Correctional Association, American Jail Association, or other nationally recognized accreditation mental health authority

Detention in Correctional Facilities Committee

11. Establish a disability and mental health hotline for correctional facilities

12. Assess detainees with disabilities or those where disabilities are suspected

13. Establish a set number of training hours per year for corrections officers in mental health first-aid, the Americans with Disability Act and De-Escalation Techniques

Criminal Justice System Awareness of Disabilities and the Need for Accommodations Committee

14. Collect data on persons with disabilities in the criminal justice system

15. Update directives of the American with Disabilities Act (ADA) to mention and define ID/DD and mandate appropriate accommodations and advocacy from the beginning of the process in the criminal justice system to the end

16. Include additional questions to jail/prison intakes statewide with advocates, guardians or family members present during the intake process

Criminal Justice System Awareness of Disabilities and the Need for Accommodations Committee

17. Share information about the Personalized Justice Plan statewide

18. Hold joint training on ID/DD throughout the Criminal Justice System

19. Establish a law similar to Virginia's regarding diversion for persons with disabilities

Criminal Justice System Awareness of Disabilities and the Need for Accommodations Committee

20. Establish an Independent Court for persons with ID/DD with supports from a Crisis Response Team (advocates, family, guardians, agencies) from the beginning to the end of the process.

21. Allow Second Chances for individuals with ID/DD even after a conviction

Conclusion

- It is imperative to recognize the overrepresentation of people with IDD in the criminal justice system *and* take steps to address systemic inequalities and barriers they encounter
- Reform efforts have been laid out by the Criminal Justice System Task Force
- Advocacy efforts by individuals, organizations, and policymakers are crucial to driving systemic change
- *We can work towards a criminal justice system that is fair, equitable, and inclusive for all individuals*

Sources / References

Foundation, R. (2017, August 23). *Media coverage of law enforcement use of force and disability*. Ruderman Family Foundation.
https://rudermanfoundation.org/white_papers/media-coverage-of-law-enforcement-use-of-force-and-disability/

Sobsey, D. (1994). *Violence and abuse in the lives of people with disabilities*. Baltimore: Paul H. Brookes Publishing Co

Harrell, E. & Rand, M. (2010) *Crimes Against People with Disabilities*. Bureau of Justice Statistics. U.S. Department of Justice

Petersilia, J. (August 2000). *Doing justice? Criminal offenders with developmental disabilities*. CPRC Brief, 12 (4), California Policy Research Center, University of California.

THANK YOU!

If you have any questions, comments, or concerns, you can reach me here:

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