From Crisis Intervention to Crisis Prevention

Using Disability Response Teams to create better outcomes for People with I/DD in the Criminal Justice System

National Center on Criminal Justice and Disability®

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“There is nothing more powerful than an idea whose time has come.”

- Victor Hugo

Photo from: rogilde - roberto la forgia on Flickr
The Struggle is Real

- Represent 4-10% of prison population
- 2 in 10 prisoners and 3 in 10 jail inmates report having a **cognitive disability** (BJS, 2015)
- They also experience highest rate of victimization compared to other types of disabilities (NCVS, 2015)
- 65-70 percent of justice-involved youth have a disability (3x higher the rate)

* Cognitive disability: Because of a physical, mental, or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?
John K.

- 57 year old who has autism (IQ of 62)
- Viewed child pornography on work computer (first offense)
- Lonely and anxious prior to offense
- Sexually abused at age 19 and never told anyone until 2012
- Many people with I/DD experience both sides of the issue, and both sides of the system

“Needless to say, this is a nightmare! My frustration has been that most of the professionals that I'm dealing with are not knowledgeable about people with I/DD so I have done my best to advocate for my son and educate, educate about I/DD.” – John’s mother
Karli S.

• 28 year old female with FASD is sexually assaulted by different transportation providers on 3 different occasions

• Cab driver made a detour into a secluded area, sexually assaulted Karli, told her not to say a word about it, then drove her to her destination

• When he asked her to pay the fare, she did so without hesitation despite just being sexually assaulted - she wanted to be a good citizen and do the right thing
You may choose to look the other way but you can never say again that you did not know

William Wilberforce
Where Do We Start?

• How do we comprehensively define and address the complicated myriad of problems faced by people with I/DD when caught up in the criminal justice system?

• We need a framework to simplify the complexity of this issue
There is no wifi in the forest but I promise you will find a better connection.
Crisis Prevention vs Crisis Intervention

par·a·digm shift: noun
a fundamental change in approach or underlying assumptions

- CIT focuses on psychiatric disabilities (not I/DD)
- Definition of “crisis” is different for different professionals
- Creates false assumptions and stereotypes
- Redirect focus to relationship building first, then crisis response
- Goal: proactively create safeguard against potential crisis
Pathways to Justice™ Model

**Community**
- **First Contact**
  - 911
  - Law enforcement
- **Investigation**
  - Complaint
  - Law enforcement
  - Communicate
  - Forensic interview
  - Charges filed
- **Jail**
  - Bail/bond
  - Initial detention
  - First appearance
  - Jail
- **Trial/Plea Agreement**
  - Plea
  - Diversion
  - Court
  - Jail
- **Transition**
  - Prison
  - Jail
  - Parole
  - Probation
- **Community**

**Victim/Witness**
- 911
- Law enforcement
- Communication
- Forensic interview
- Charges filed
- Victims' rights
- Prepare for trial
- Witness/testimony
- Crime victims' notification request
- Coping/prevention

**Suspect/Offender**
- 911
- Law enforcement
- Arrest
- Initial detention
- First appearance
- Jail
- Bail/bond
- Diversion

**Steps**
- Identification
- Accommodations
- Support

*This model is based on The Sequential Intercept Model. SAMSHA’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.*
“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?”

Sampson, T (Fall 2014). Don’t Mistake Emotional Reactions for Bad Behavior. Apostrophe Magazine
Procedural Justice

• How people regard the justice system is tied to their belief of how fair the process is, not the outcome
• Citizens can explain the situation before officers make decisions on what to do
• Officers stay neutral, rely on facts 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

See NCCJD’s article in IACP’s Police Chief magazine:
Promising Practices

• Ethan Saylor Alliance for Self-Advocates at Educators

• Growth Through Opportunity (GTO)
  www.roanokeva.gov/1820/Growth-Through-Opportunity-Program

• Fostering Self-Advocates as Leaders to End Violence
Pathways to Justice®:
A Comprehensive Approach

Module 1: Introduction to DRTs and the Pathways to Justice Training Program
Module 2: Disability Basics
Module 3: Law Enforcement
Module 4: Victim Service Providers
Module 5: Attorneys
Module 6: Developing a PTJ Plan
Evaluation Process

The Arc
National Center on Criminal Justice & Disability
Disability Response Team (DRT)
Hosted by Chapters of The Arc

Criminal Justice Professionals
- Law Enforcement
- Victim Services Providers
- Legal professionals

Disability Community
- Family advocates
- Disability advocates (other than The Arc)
- Self-advocates
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)**

Available at: [http://www.thearc.org/NCCJD/publications](http://www.thearc.org/NCCJD/publications)
2017 Pathways to Justice® Sites

• The Arc of Winnebago, Boone and Ogle Counties* (IL)
• The Arc of New Mexico*
• The Arc of Loudoun County* (VA)
• Berkshire County Arc (MA)
• The Arc of Texas*
• The Arc of Ventura County* (CA)

*Crisis Intervention Team (CIT) Training Program
Pathways to Justice ®

• Piloted PTJ at 5 chapters
• 2017 trainings held in IL, NM and VA
• Over 500 participants to date
• Findings (from pilot sites)
  • 49% of participants filled out pre/post test
  • 92% indicated knowledge level increased and intent to use new strategies learned
• Future focus: DRT evaluation process
The Criminal Justice Advocacy Program

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

Learn more:  
http://www.arcnj.org/programs/criminal_justice_advocacy.html
Other Promising Programs

NCCJD’s Web Site: [www.TheArc.org/NCCJD](http://www.thearc.org/NCCJD)

http://www.thearc.org/NCCJD/resources/general-resources/model-programs
University of Minnesota’s Institute on Community Integration

Impact: NEW Feature issue on criminal justice!

For more information, see https://ici.umn.edu/index.php?products/view_all/14
National Goals Conference 2015

- Self-advocates lead research-related policy, research and practice goals
- Update current national data sets, and require government agencies to capture information on people with disabilities and disaggregate data by type of disability
- Conduct research and collect data on trauma-informed approaches
- Conduct research across all stages of the system, from first contact to resolution
It’s Your Turn!

• Contemplate your own journey and identify the champions for justice who’ve inspired you
• Support research, policy and programs that seek to make lasting change
• Train local criminal justice professionals; sustain training through DRTs
• Stay informed and be proactive!

We Are All In This Together
NCCJD Webinar Series:
Policing & People with Disabilities

Recent webinar highlights promising practices:
May 18, 2017 1:00-3:00 p.m. EDT
http://www.thearc.org/NCCJD/training/webinars

Archived webinars:
http://www.thearc.org/NCCJD/training/webinar/archive
NCCJD: Outreach, Education & Training

• I&R and Technical Assistance with online request form

• Publications:
  – Fact sheets: ASD, FASD, ID, Psychiatric Disability (mental illness)
  – Profession Specific Tip Sheets: Law Enforcement, Victim Services Providers, Attorneys
  – White papers: Victimization, Sex Offenders, Juveniles, Competency, Policing and People with Disabilities

• Web Site with on-line resource library, including state-by-state database of resources, model legislation, and expert witnesses

• Pathways to Justice® training
  www.nccjdpathwaystojustice.org
Together, we can create Pathways to Justice by

- Creating systems for identifying I/DD in all stages of the criminal justice system

- Requiring effective training for law enforcement, attorneys, victim service providers and others

- Creating opportunities for alternatives to sentencing and pre-trial diversion for people with I/DD

- Ensuring people with I/DD are included in key criminal justice reform programs, such as pre-trial diversion
YES, WE CAN... and WE DID!
Contact Information

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• Learn More About *Pathways to Justice®*
  www.nccjdpathwaystojustice.org

• Visit NCCJD® online
  www.thearc.org/NCCJD