



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

# **Working with People Who Have Developmental Disabilities in the Criminal Justice System:**

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## **Access and Communication**

# Speakers

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- I. Deirdra Assey, *Policy Analyst, the Council of State Governments Justice Center*
- II. Maria Fryer, *Justice Systems and Mental Health Policy Advisor, Bureau of Justice Assistance, U.S. Department of Justice*
- III. Ariel Simms (she/her), *Attorney & Senior Program Manager, The Arc of the United States' National Center on Criminal Justice & Disability*

# Webinar Outline

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I. Introductions

II. Developmental Disabilities

III. Disability Rights Laws

IV. Application in Practice

V. Services Landscape and Resources



# The U.S. Department of Justice Bureau of Justice Assistance

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BJA is a component of the Office of Justice Programs and helps to make American communities safer by strengthening the nation's criminal justice system. Its grants, training and technical assistance, and policy development services provide state, local, and tribal governments with the cutting edge tools and best practices they need to reduce violent and drug-related crime, support law enforcement, and combat victimization.



# The Council of State Governments Justice Center

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We are a national nonprofit, nonpartisan organization that combines the power of a membership association, representing state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

# How We Work

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- We bring people together
- We drive the criminal justice field forward with original research
- We build momentum for policy change
- We provide expert assistance

# Our Goals

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## **Break the cycle of incarceration**

*We assist those working inside and outside of government to reduce both crime and incarceration among youth and adults in contact with the justice system.*

## **Improve health, opportunity, and equity**

*We work across systems to develop collaborative approaches to improve behavioral health, expand economic mobility, and advance racial equity for people and communities affected by the justice system.*

## **Expand what works to improve safety**

*We help leaders understand what works to improve public safety and what does not, and assist them to develop strategies, adopt new approaches and align resources accordingly.*

# Justice and Mental Health Collaboration Program

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JMHCP supports innovative cross-system collaboration for individuals with mental illnesses or co-occurring mental health and substance use disorders who come into contact with the justice system.





**Question:** Are you familiar with The Arc?

**A = Yes B = No**

# The Arc's National Center on Criminal Justice & Disability

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The Arc promotes and protects the human rights of people with intellectual and developmental disabilities and actively supports their full inclusion and participation in the community throughout their lifetimes.



# NCCJD's Advocacy and Services

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## **Training and technical assistance**

- For criminal justice professionals



## **Information and referral**

- For people with disabilities and their families



## **Resource collection and creation**

- White papers, fact sheets, and articles



## **Education**

- Social media, webinars, and conferences

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**Question:** How would you rate your knowledge of developmental disabilities?

**A = Very strong/expert**  
**B = Strong**

**C = Some knowledge**  
**D = Little/no knowledge**

# Developmental Disabilities

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- Physical and/or mental impairments that begin before age 22
  - Substantial functional limitations in at least 3 of these:
    - Economic self-sufficiency
    - Independent living
    - Language
    - Learning
    - Self-care
    - Self-direction
    - Walking/moving around



# The Diversity of the Developmental Disability Community

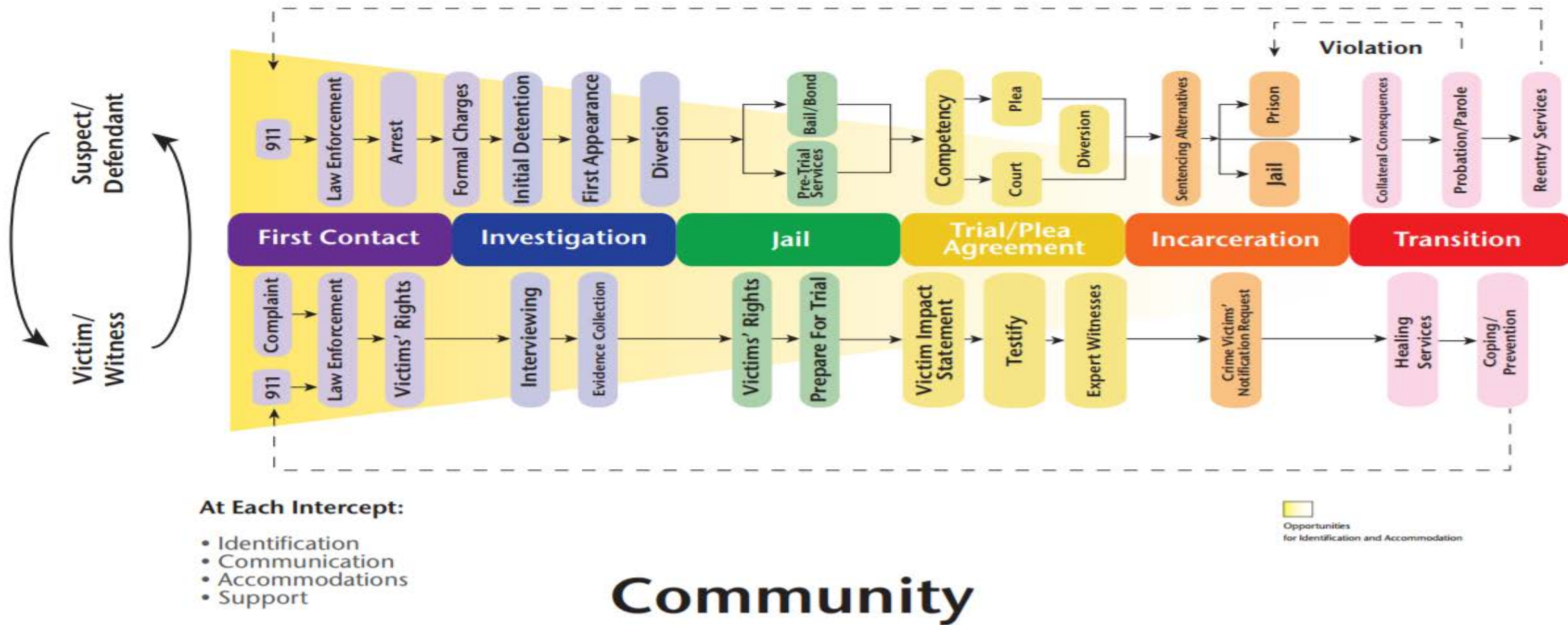
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**True or False:** People who have developmental disabilities are overrepresented in the criminal justice system as both victims and those accused of committing crimes.

**A = True B = False**

# Pathways to Justice® Model



# A Pathway for People Who Are Victims

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First Contact/Investigation

Trial/Plea Agreement

Notification

Healing Services

# A Pathway for People Accused of Crimes

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First Contact/Investigation

Trial/Plea Agreement

Incarceration/Community Supervision

Transition/Reentry

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# Disability Rights Laws

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- Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990 (ADA)
- Individuals with Disabilities Education Act (IDEA)

# The Americans with Disabilities Act (ADA)

Title	Subject	Who's Affected?
Title I	Employment	Private employers with 15+ employees; all public employers
Title II	Public programs and activities	State and local governments
Title III	Public accommodations	Hospitality, entertainment, education, health care providers, etc.
Title IV	Telecommunications (closed captioning)	Telephone and internet companies
Title V	Miscellaneous provisions	Various entities

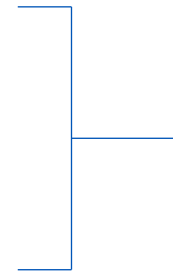
Source: The Americans with Disabilities Act (1990), <https://www.ada.gov/pubs/adastatute08.htm>.

# Rights and Responsibilities

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- Effective communication
- Access to programs and services
- Auxiliary aids and services
- Reasonable modifications

Anti-discrimination



**True or False:** You need to know someone's diagnosis in order to provide accommodations.

**A = True B = False**

# Need to Know: Functional Needs, NOT Diagnosis

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- Access and Functional Needs
  - Used in emergency situations/disaster response to address functional needs
- Focus on the need first, then on how to assist

# Presentation Outline

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# Case Examples

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- Linda, a woman with multiple developmental disabilities, is in an abusive relationship with her partner. She has two kids.
- John, a man with multiple developmental disabilities, joins a shrimp stealing ring and is the only one to get caught.

# Supporting Victims of Crime

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- Initial considerations:
  - Safety
  - Where can the person go?
  - Impact on disability services/benefits
  - What does the victim want to do?
  - Aggravation/hate crime

# Supporting People Accused of Committing Crimes

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- Initial considerations
  - Where will the person go? (e.g., disposition)
  - Access to counsel
  - Access to services and supports
  - Personal safety
  - Mitigation/public safety

# Screening for Potential Accommodations/Modifications

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- Goal
  - Identify and address functional needs and assess for accommodations
- Methods
  - Interviews
  - Forms
  - Observation
  - Person's "file"

# Universal Screening

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- Best practice: universal screening + ongoing check-ins
- Ways to conduct screenings:
  - Initial interview
  - Intake form
  - During trial preparation

**REMEMBER: Do NOT directly ask about a person's disability.**

# Screening for Functional Needs: Potential Questions

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- As we work together, there will be a lot of forms and documents. Is there anything I can do to help you better read or understand these documents?
- There may be a lot of complex legal terms and words that we might use. What is the best way for me to explain these words?
- There may be times when you need something to participate in our program/service. What is the easiest way for you to ask for what you might need?



# Proxy Questions: Identifying Potential Needs

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- Is there anything you would like me to know about you that could be helpful?
- Where do you live? Who do you live with?
- Do you have a job? How do you spend your days?
- In the past, did you have services or supports you found helpful? Not helpful?
- Is there anyone who helps you make important decisions? Manage your finances?

# Providing Reasonable Accommodations/ Modifications

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- Universal design
  - Testing forms, processes, and procedures
- Individualized
- Reasonable
- ADA coordinators (Title II)
  - Any public entity with 50+ employees

# Effective Communication

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- Everyone communicates, but not always through verbal methods; below are other ways to communicate:
  - Sign language
  - Yes/No prompts; communication boards
  - Typing
  - Blinking
  - Behavior
- Auxiliary aids and services
  - Be familiar with your agency's preferred contractors/interpreters

# Best Practice: Access & Communication Policy

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- Have a process for requesting/providing accommodations and auxiliary aids and services
  - Employees
  - Non-employees/public
- Identify a point of contact in the agency/responsible party
- Develop a list of preferred contractors/interpreters
- Have a grievance procedure
- Provide ongoing training/orientation for new employees

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# Services Landscape

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- Community-based services and supports
  - “Least restrictive environment” (NOT institutions)
- Types of services
  - Residential
  - Supported employment
  - Health care
  - Personal care
  - Financial management
- Funding streams
  - Medicaid, Medicare, and Social Security

# Resources

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- The Arc of the United States/NCCJD
  - <https://thearc.org/our-initiatives/criminal-justice/>
- State and local Chapters of The Arc
  - <https://thearc.org/find-a-chapter/>
- State Departments/Agencies for Developmental Disabilities
- Protection and Advocacy Organizations
  - <https://www.ndrn.org/about/ndrn-member-agencies/>

# Pathways to Justice®

**STEP 1:  
Disability  
Response  
Team**

**STEP 2:  
Training  
for Justice  
Professionals**

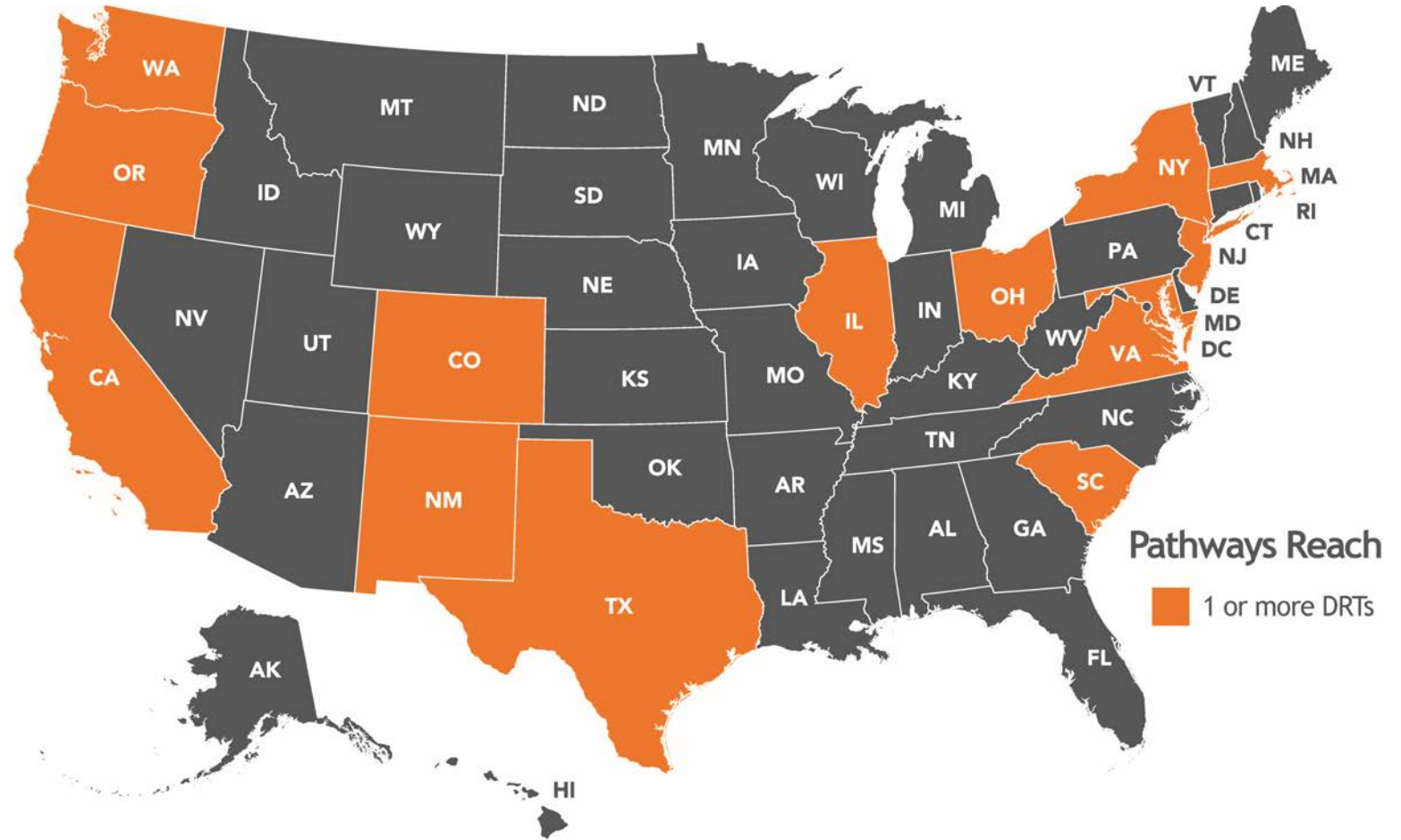
**STEP 3:  
Ongoing  
Technical  
Assistance**





# The Impact of Pathways to Justice

- 22 Disability Response Teams in 14 different states
- Over 1,700 justice professionals trained since 2015



# Questions and Answers

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# Speaker Contact Information

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# Thank You!

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[www.csgjusticecenter.org/subscribe](http://www.csgjusticecenter.org/subscribe)

For more information please contact Deirdra Assey at  
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