



Justice Center

THE COUNCIL OF STATE GOVERNMENTS



Bureau of Justice Assistance
U.S. Department of Justice

Diverting People with Intellectual and Developmental Disabilities from the Criminal Justice System

October 29, 2020



*National Center on Criminal
Justice & Disability®*

Presentation Outline

I. Welcome and Introductions

II. About The Arc

III. Common Challenges

IV. Diversion

V. FY18 JMHCP New York State Unified Court System: Brooklyn Mental Health Court

Speakers

- *Deirdra Assey, Senior Policy Analyst, Behavioral Health, The Council of State Governments (CSG) Justice Center*
- *Ilana LeGear, Social Worker, Brooklyn Mental Health Court (BMHC), Center for Court Innovation (CCI)*
- *Ruth O'Sullivan, Project Coordinator, BMHC, CCI*
- *Ariel Simms, Senior Program Manager and Attorney, The Arc of the United States*

The Council of State Governments Justice Center

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving 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

- 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

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

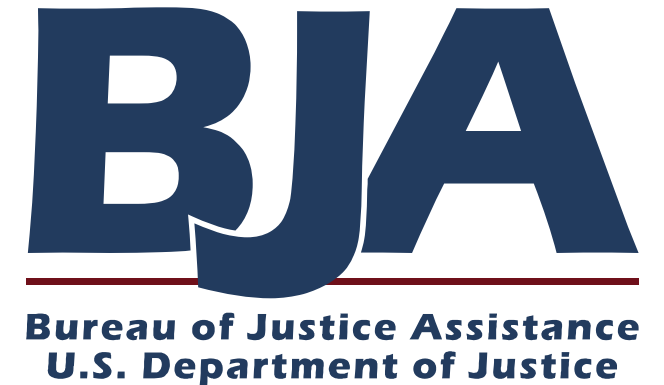
We help leaders understand what works to improve public safety and assist them to develop strategies, adopt new approaches and align resources accordingly.

Justice and Mental Health Collaboration Program

The Justice and Mental Health Collaboration Program (JMHCPC) supports cross-system collaboration to improve public safety responses and outcomes for individuals with mental illnesses (MI) or co-occurring mental illness and substance abuse (CMISA) who come into contact with the justice system.

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

Mission: BJA provides leadership and assistance to local criminal justice programs that improve and reinforce the nation's criminal justice system. BJA's goals are to reduce and prevent crime, violence, and drug abuse and to improve the way in which the criminal justice system functions. In order to achieve such goals, BJA programs illustrate the coordination and cooperation of local, state, and federal governments. BJA works closely with programs that bolster law enforcement operations, expand drug courts, and provide benefits to safety officers.



Visit the [BJA website](#) to learn more.

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*For people with intellectual
and developmental disabilities*



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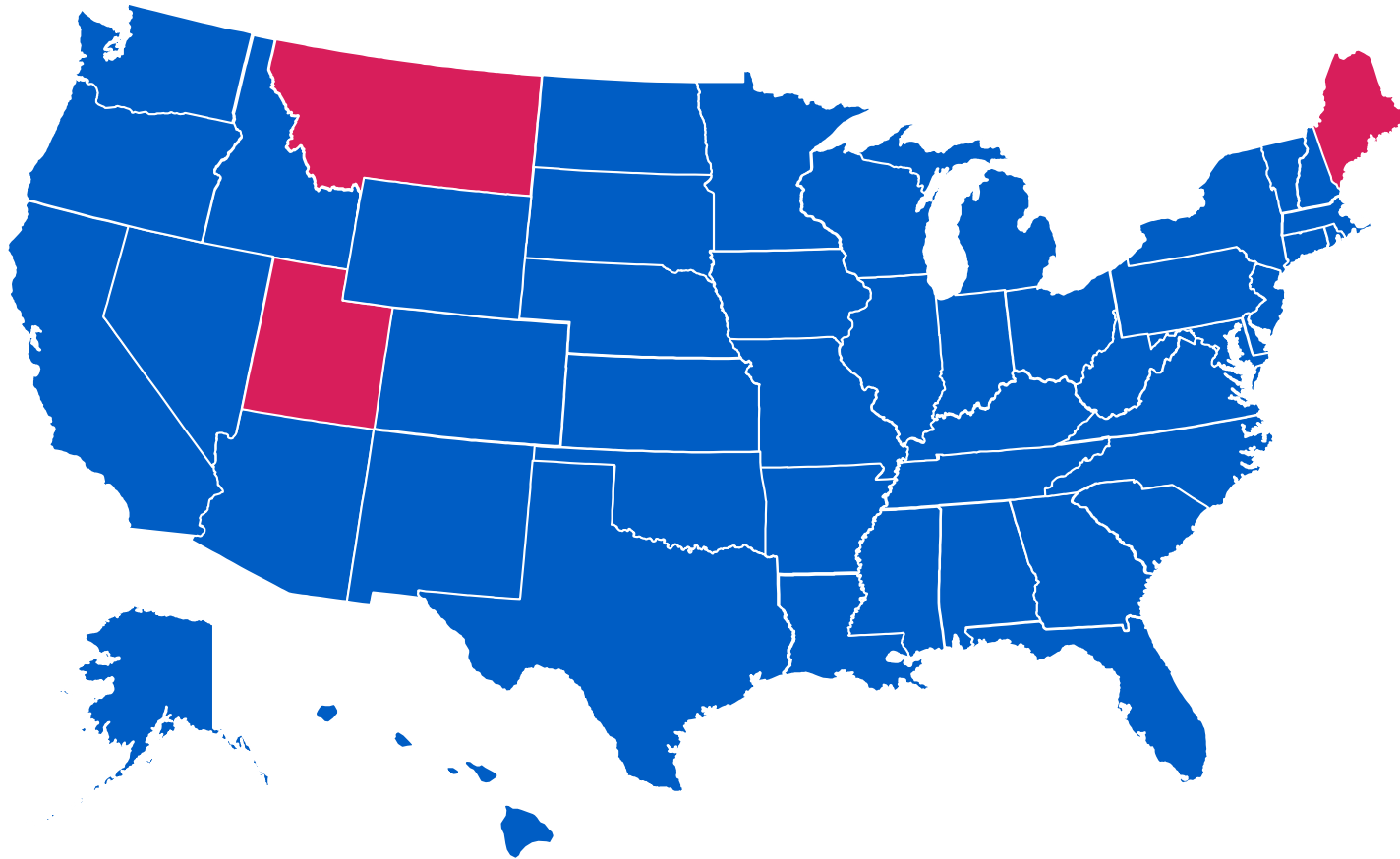
About The Arc

For People with Intellectual and
Developmental Disabilities (IDD)

The Arc of the United States

- Mission
 - Promoting and protecting the human rights of people with intellectual and developmental disabilities and actively supporting their full inclusion and participation in the community throughout their lifetimes.
- Policy, program, and legal advocacy
- 600+ chapters across the country

The Arc's Chapter Network



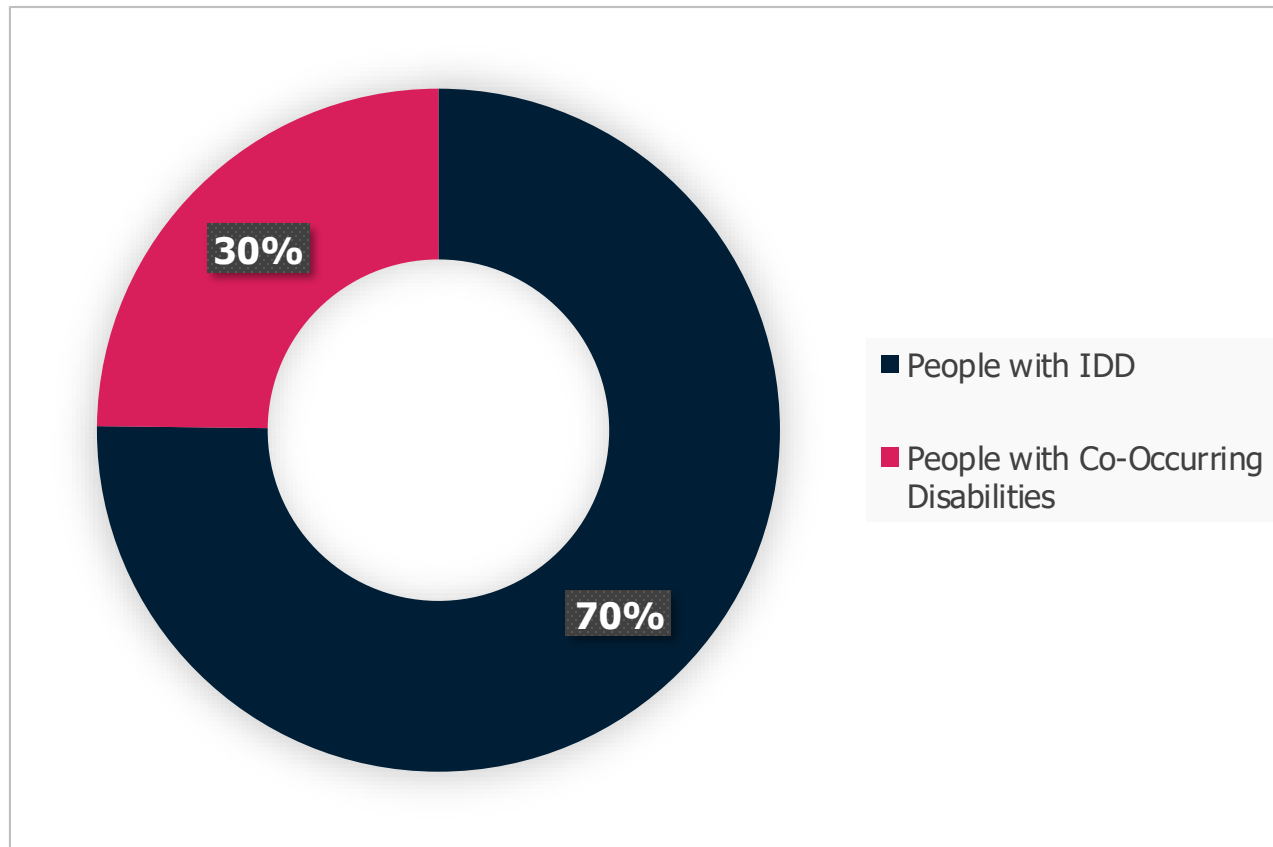
States with No Chapter Presence:

- Maine
- Montana
- Utah

Developmental Disabilities

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

Co-Occurring Mental Health and Developmental Disabilities



- People with IDD 3-4 times more likely to have co-occurring disabilities than general population
- Often need additional services, yet different service systems with different eligibility requirements

Source: K. M. Munir, *The Co-Occurrence of Mental Disorders in Children and Adolescents with Intellectual Disability/Intellectual Developmental Disorder* (2016)



The Arc[®]

*National Center on Criminal
Justice & Disability*[®]

National Center on Criminal Justice and Disability (NCCJD)'s Advocacy



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, articles



Education

- Social media, webinars, and conferences

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Recent Technical Assistance

- FY18 JMHCP Brooklyn Mental Health Court, New York
 - Specialty court
- FY17 JMHCP Lubbock County, Texas Sheriff's Office
 - Jail population
- FY19 JMHCP University of North Carolina – Chapel Hill
 - Specialty probation
- FY19 JMHCP Van Buren County, Michigan
 - Specialty court

Common Challenges

Identification

Navigating
Services

Diversion

When to Screen for Disability

- Recommendation: universal screening + ongoing check-ins
- Examples:
 - Initial interview
 - Intake form
 - Trial preparation
 - Housing unit transfer
- **REMEMBER: Do NOT ask directly about disability.**

How to Screen: Functional Needs

- 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?

How to Screen: Proxy Questions

- 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?

Services Landscape

- Community-based services and supports
- Types of services
 - Residential
 - Supported employment
 - Health care
 - Personal care
 - Behavioral supports
- Funding streams
 - Medicaid, Medicare, and Social Security

Finding Local Services: Where to Start?

- 1) State or Local Chapter of The Arc
 - <https://thearc.org/find-a-chapter/>
- 2) University Centers for Excellence in Developmental Disabilities (UCEDDs)
 - <https://www.aucd.org/directory/directory.cfm?program=UCEDD>
- 3) Councils on Developmental Disabilities
 - <https://www.nacdd.org/councils/>

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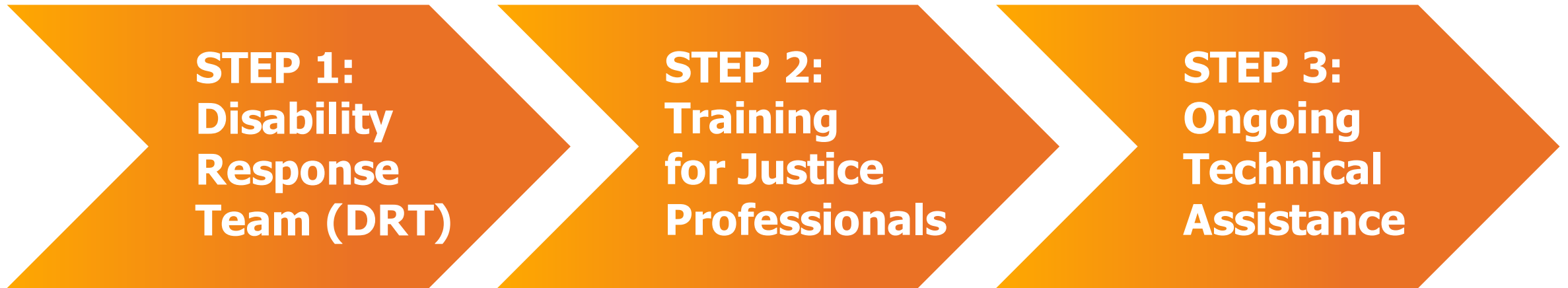
Diversion: Modifying Existing Programs

- General v. specialty programs
 - General programs can be modified to serve those with IDD
- Cognitive access is key
- Collaboration with developmental disability service providers and disability advocates

Diversion: Specialty Programs

- Mental health programs
- IDDATI
 - Rockland County District Attorney's Office
- Specialty Courts
 - Brooklyn Mental Health Court
- [Pathways to Justice](#)

Pathways to Justice



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Brooklyn Mental Health Court

Point of Contact: Ruth O'Sullivan

Social Worker: Ilana LeGear

Questions & Answers

Resources

- 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/>

Contact Information

- Deirdra Assey, *Senior Policy Analyst, Behavioral Health, Council of State Governments (CSG) Justice Center* dassey@csg.org
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- Ariel Simms, *Senior Program Manager and Attorney, The Arc of the United States* simms@thearc.org

Thank You!

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