



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

Collaborate, Train & Engage: Diverting People with Intellectual and Developmental Disabilities

June 10, 2021 | 2:00 p.m.–3:30 p.m. ET

Presentation Outline

- I. Welcome & Introductions
- II. Importance of Diversion for People with Intellectual and Developmental Disabilities (IDD)
 - i. Ask the Author Discussion
- III. Strategies to Improve Diversion
- IV. Ongoing Evaluation and Research
- V. Questions & Answers

Speakers

- Leigh Ann Davis, *Director of Criminal Justice Initiatives, The Arc*
- Nick Dubin, *Author and Person with Lived Experience*
- Reginald Thomas, *Senior Program Associate, The Arc*
- Felicia Lopez Wright, *Policy Analyst, Behavioral Health Division, The Council of State Governments (CSG) Justice Center*

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

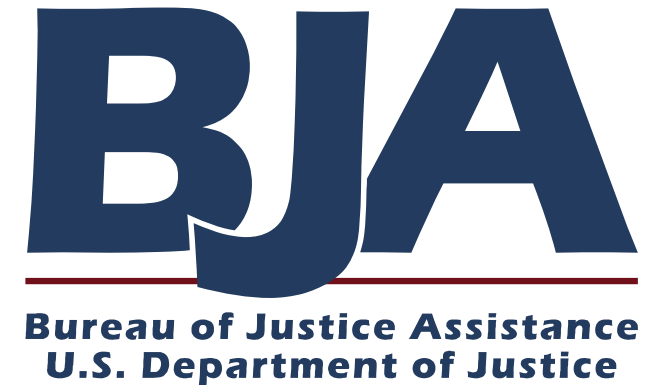
We work across systems to develop collaborative approaches to improve behavioral health, expand economic mobility, and advance racial equity for people and communities affected by the justice system.

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.

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.

Justice and Mental Health Collaboration Program

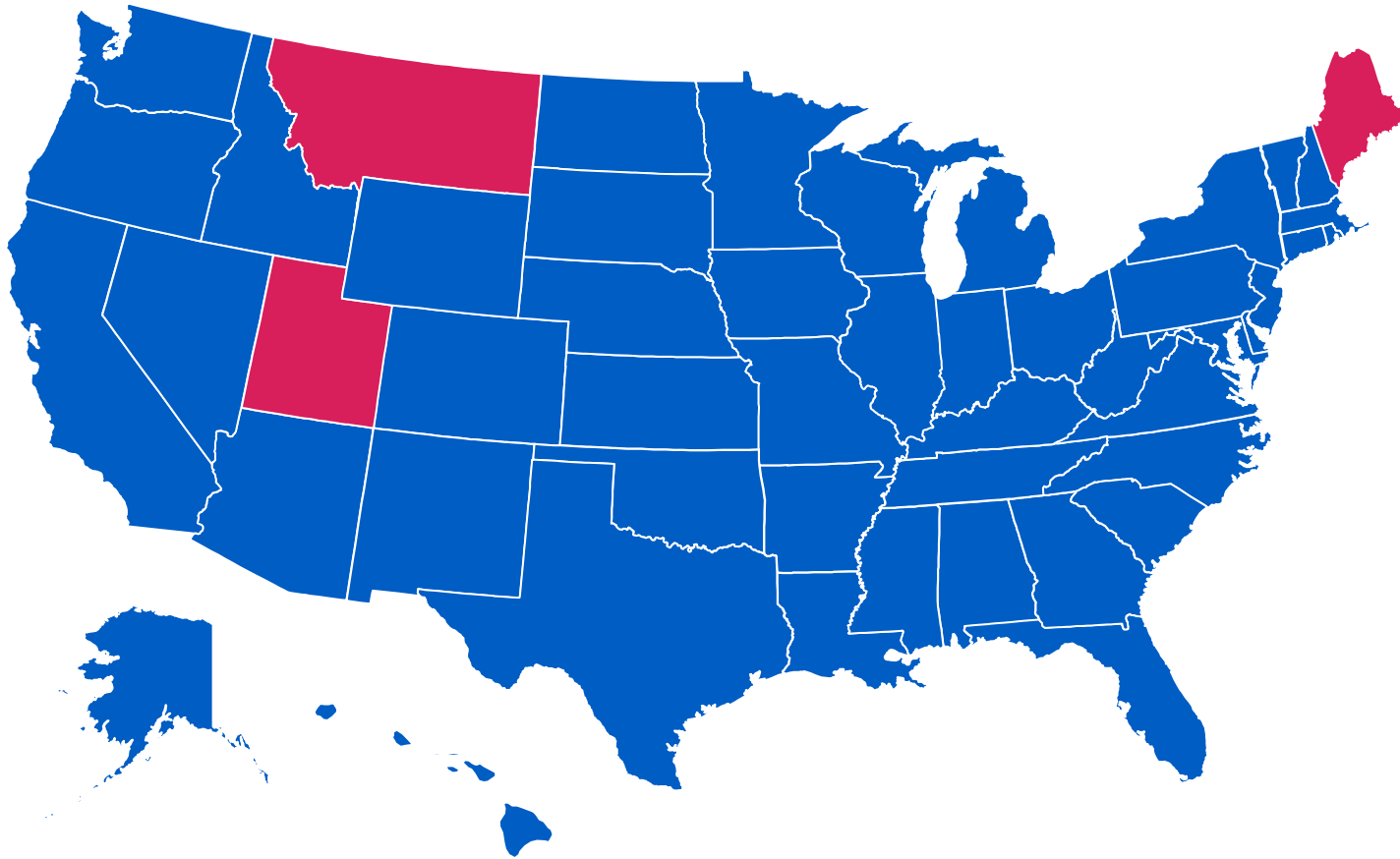
The Justice and Mental Health Collaboration Program (JMHCPC) promotes innovative cross-system collaboration and provides grants directly to states, local governments, and federally recognized Indian tribes. It is designed to improve responses to people with mental illnesses and substance use disorders who are involved in the criminal justice system.

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
- www.thearc.org

The Arc's Chapter Network



States with no chapter presence:

- Maine
- Montana
- Utah

www.thearc.org/find-a-chapter/

National Center on Criminal Justice and Disability



Training and technical assistance
for criminal justice professionals



Information and referral
for people with disabilities and their families



Resource collection and creation
including white papers, fact sheets, and articles



Education
social media, webinars, and conferences

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Definition of Developmental Disabilities

- Physical and/or mental impairments that begin 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

Importance of Diversion for People with IDD

- People with IDD represent 4–10% of the prison population
- 2 in 10 people in prison and 3 in 10 people in jail report having a cognitive disability
- People with IDD experience the highest rate of victimization compared to other types of disabilities
- 65–70% of youth involved in the justice system have a disability (3 times higher than the national rate)

Sources: see resource slide at the end of the presentation.

Intersectionality: Consider the Data

- Between one third and one half of people shot and killed by police in the U.S. have a disability
- An American Journal of Public Health article found that young people with disabilities are 13% more likely to be arrested than their peers without disability.
 - That figure jumps to 17% for Black youth with disabilities
- People with disabilities have an overall 43% chance of arrest, with a disproportionate risk falling on young Black men

Sources: see resource slide at the end of the presentation.

A Personal Story of Intersectionality

“Daniel is a wanderer. He runs, and if you call his name he doesn’t respond. And you know, that’s cute when he’s 2, but what happens when he’s 12 and he runs in somebody’s house, and they see this little Black boy running in their house and he’s waving his hands in the air and squealing... he’s going to get shot. So, like I said, that’s the kind of stuff that keeps us up at night, that’s the kind of stuff we worry about.”

Source: “Impact,” University of Minnesota, Institute on Community Integration, accessed April 1, 2021, <https://ici.umn.edu/series/14>.

Image used with permission from Impact Managing Editor



Upcoming Publication

- Written by a person with Autism who has experience with the criminal justice system
- Explores why people with developmental disabilities get involved in the criminal justice system and how to prevent it from happening
- Covers topics from prevention to aftermath of sentencing to accessing healing services
- Pending release: Summer 2021

Source: Nick Dubin, *Autism Spectrum Disorder, Developmental Disabilities and the Criminal Justice System: Breaking the Cycle* (London, United Kingdom: Jessica Kingsley Publishers, July 21, 2021).

Autism Spectrum Disorder, Developmental Disabilities and the Criminal Justice System

Breaking the cycle



Nick Dubin Foreword by Clare Allely

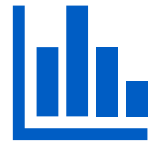
Ask the Author: Nick Dubin

- Why do you think it's important to maximize diversion options for people with IDD?
- What kinds of tools, programs or strategies could have helped you?
- What is the key message you want to share with criminal justice professionals about diversion?



Image used for this presentation with permission from Nick Dubin, author

Polling Question



What challenges do criminal justice professionals most often have when trying to divert people with IDD?

1. Not being able to identify or screen for IDD
2. Disability services are siloed and hard to access
3. Lack of IDD-related training for justice professionals
4. Difficulty communicating with and engaging people with IDD and their families
5. All the above
6. None of the above

CSG Justice Center Resource on People with IDD

Themes identified:

- Lack of research on IDD
- Lack of screening tools
- IDD services are often siloed and inaccessible
- Need for training for all types of criminal justice professions from dispatch and patrol officers to probation and correctional officers

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Strategies to Improve Diversion: Overview

- Personalized Justice Plan
- Alternative to Incarceration
- Pathways to Justice training
- Family Engagement and Involvement
- Cross-System Collaboration

A Personalized Justice Plan

- Tool used to prevent future criminal justice involvement

Goals:

- Reduction in recidivism
- Successful integration in the community

For more information: [Using Personalized Justice Plans & Other Tools to Create Pathways to Justice™ for People with Intellectual & Developmental Disabilities](#)

Personalized Justice Plan: How it Works

- Finalize the personalized justice plan (PJP) and condense into a letter
- Detail all services and specific facts of the person's case, describing their disability and providing contact information for all parties involved in writing the letter
- Share letter with attorney prior to court for their review and feedback
- Send letter directly to the judge with copy to all parties
- Appear in court, if possible, to explain PJP in person

Intellectual and Developmental Disabilities Alternative to Incarceration (IDDATI) Program

- Rockland County (New York) District Attorney (RCDA) noticed that people with IDD who were in the mental health alternative to incarceration program were unsuccessful
- Created voluntary, support service-based system
- Person must plead guilty to be admitted into program

For more information: [RCDA IDDATI](#) and [Alternatives to Incarceration: RCDA's Office Program for People with I/DD](#)

IDDATI Program Essentials

Case manager provides services and referrals for minimum of 1 year to 18 months

- One year for misdemeanors
- 18 months for felonies
- Liaison between individual, the RCDA, legal representation, country court, and state level providers
- The goal is to motivate people toward prosocial behavior and person-centered goals

Pathways to Justice & Disability Response Teams

National Center on Criminal Justice and Disability's **Pathways to Justice®** Training Curriculum creates **Disability Response Teams**. Disability Response Teams are locally based multidisciplinary teams equipped to provide training and handle criminal justice issues.

Pathways to Justice®

**STEP 1:
Disability
Response
Team**

**STEP 2:
Training
for Justice
Professionals**

**STEP 3:
Ongoing
Technical
Assistance**

Disability Response Teams

Criminal Justice Professionals

Disability Community

Law Enforcement

Victim Services Providers

Legal professionals

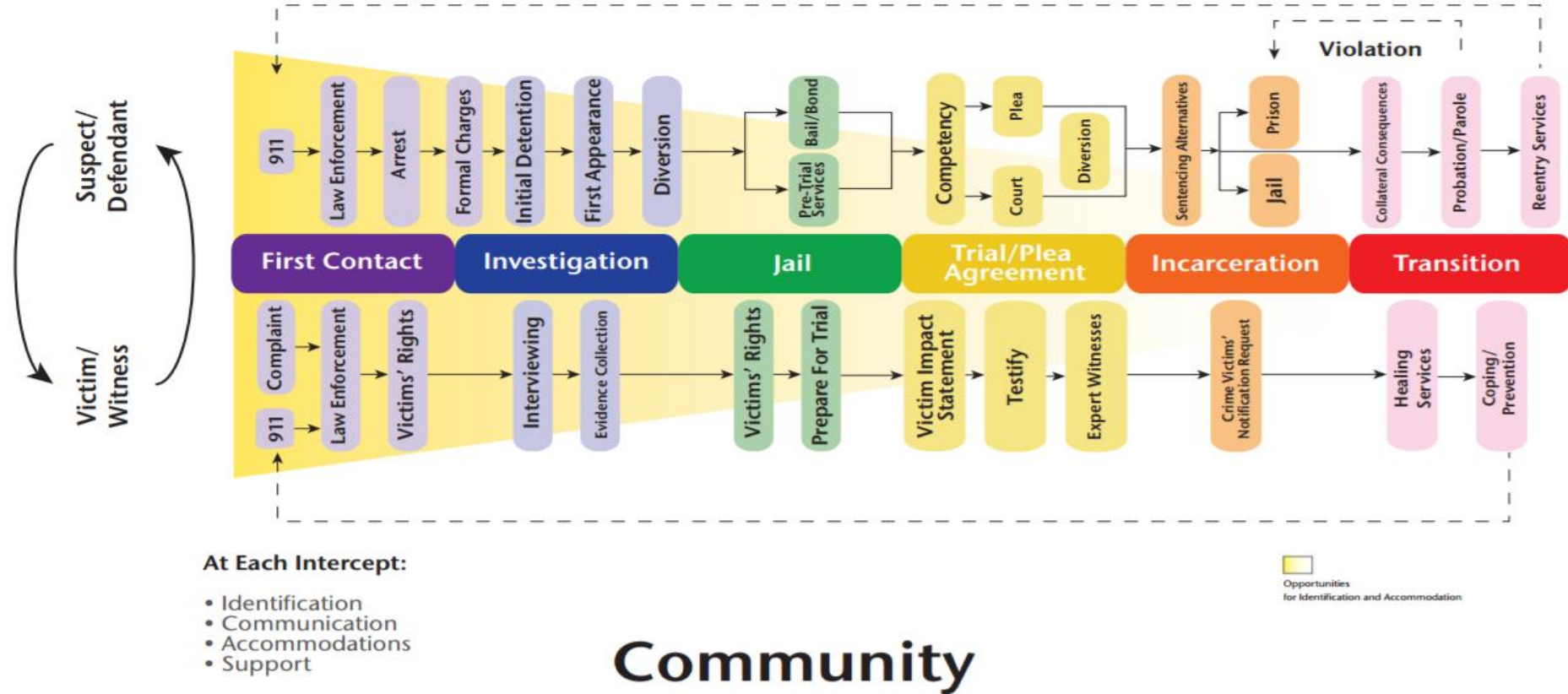
People with disabilities

Disability advocates (other than The Arc)

Family advocates

Source: The Arc National Center on Criminal Justice and Disability, *Pathways to Justice: Disability Response Teams* (Washington, DC: The Arc, 2019).

Pathways to Justice® Model



This model is based on The Sequential Interceptor 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.

Sequential Intercept Model Mapping

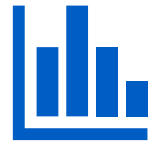
Issues that can be identified by using the Sequential Intercept Model (SIM):

- First contact: Disability is unidentified, misidentified, or misunderstood
- Initial detention: Screening of IDD does not happen universally
- Pre-trial/jail: Lack of pretrial services and trained attorneys

SIM Mapping (cont.)

- Trial/plea agreements: Provision of accommodations; appropriateness of mental health courts for people with IDD
- Transition: Held in general population or placed in solitary
- Community: Lack of support during probation or parole

Polling Question



What options might work best for you or your agency to consider at this time?

1. Personalized Justice Planning
2. Alternative to Incarceration Programs
3. Pathways to Justice Training
4. Disability Response Team
5. SIM Mapping with a focus on IDD
6. Family Engagement
7. Cross-System Collaboration
8. More than one of the above
9. None of the above

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A Need for More Research

- Across all strategies, robust research and evaluation is needed
- Without evidence-based tools, programs and training solutions are unsustainable
- A BJA-funded report on crisis responses stated that research on IDD is lacking

Source: Amy C. Watson, Michael T. Compton, and Leah G. Pope, *Crisis Response Services for People with Mental Illnesses or Intellectual and Developmental Disabilities: A Review of the Literature on Police-based and Other First Response Models* (New York: Vera Institute of Justice, 2019).

Crisis Response Services for People with Mental Illnesses or Intellectual/Developmental Disabilities: A Review of the Literature on Police-Based and Other First Response Models

October 2019
Fact Sheet

Many converging factors have contributed to the need for community-based crisis and emergency responses for people with serious mental illnesses (SMI), those having psychiatric crises, and those who have intellectual or developmental disabilities (I/DD). Police-based and related crisis response services for people with SMI, I/DD, or both can play a vital role in reducing justice system contact and improving health outcomes among these vulnerable populations. The Serving Safely initiative of the Vera Institute of Justice (Vera) works to improve interactions between law enforcement and people with mental illnesses and I/DD. The initiative's Research and Evaluation Committee developed this literature review as a first step toward creating a research agenda for the field that identifies knowledge gaps and prioritizes options for scalable research and evaluation.

An overview of the approaches reviewed

The models and approaches described in the review have typically been designed and implemented for people who have SMI or those with I/DD; remarkably few studies have considered both groups. Most research has focused on models and other approaches developed for people with mental illnesses or having a psychiatric crisis. The need for further research on the same or different approaches for those who have I/DD is compelling.

Vera's review includes only the models and approaches that can be implemented at the local level and that generate a response to a person in need in the community. It is limited to those responses at the *first intercept* (meaning pre-arrest or at the first point of contact with the criminal justice system). It focuses on the following nine models and approaches.

Case management services. For the purposes of the review, the case management teams of interest pair behavioral health professionals with officers to address people who are considered "high utilizers" of police and other emergency services. The authors found several reports that provide program descriptions and some preliminary findings on the impact of this approach, but no peer-reviewed research.

Co-responder teams. Programs within this overarching model typically pair an officer with a mental health professional to respond to people in the community who are experiencing a mental health crisis. The literature suggests that this model may have value for responding to people experiencing mental health crises in the community and reducing unnecessary emergency department visits—and perhaps reducing the number of repeated calls for service. Significant variation in implementation makes it difficult to generalize findings



For more information

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The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely upon for

safety and justice, and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities. For more information, visit www.vera.org.

To read the full report, visit <http://www.vera.org/crisis-response-services>. For more information about the report, contact Leah Pope, senior research fellow, at lpope@vera.org.

Polling Question: Future Topics



What topic would you be MOST interested in the CSG Justice Center covering?

1. Identification and screening for IDD
2. Accessing disability related supports and services
3. Training on IDD for justice professionals
4. All of the above
5. Other (please respond in chat box)

Questions & Answers

Contact Information

- Leigh Ann Davis, *Director, National Center on Criminal Justice & Disability* Ldavis@thearc.org
- Reginald Thomas, *Senior Program Associate, The Arc* Thomas@TheArc.org
- Felicia Lopez Wright, *Policy Analyst, Behavioral Health, CSG Justice Center* fwright@csg.org

Additional Resources

- [Pathways to Justice®](#)
- [NCCJD® online](#)
- [CSG Justice Center Webinars on IDD:](#)
 - [How to Respond Effectively to People with Intellectual and Developmental Disabilities in the Criminal Justice System](#)
 - [Diverting people with I/DD from the Criminal Justice System](#)
- [The Arc of New Jersey's Criminal Justice Advocacy Program](#)
- [NCCJD/The Arc of New Jersey presentation on using Personalized Justice Plans](#)

Resources: Slide 14

- Joan Petersilia, *Doing justice? Criminal Offenders with Developmental Disabilities. Detailed Research Findings* (California: California Policy Research Center, 2000).
- Jennifer Bronson, Laura M. Maruschak, and Marcus Berzofsky, *Disabilities Among Prison and Jail Inmates: Special Report, 2011–12* (Washington, DC: Bureau of Justice Statistics, 2015),
<https://www.bjs.gov/content/pub/pdf/dpji1112.pdf>.
- Erika Harrell, *Crime Against Persons with Disabilities, 2009–2013-Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2015),
<https://www.bjs.gov/content/pub/pdf/capd0913st.pdf>.

Resources: Slide 15

- David M. Perry and Lawrence Carter-Long, *The Ruderman White Paper On Media Coverage Of Law Enforcement Use Of Force And Disability A Media Study (2013-2015) And Overview* (Massachusetts: Ruderman Family Foundation, 2016), https://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability_final-final.pdf.
- Erin J. McCauley, "The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender," *American Journal of Public Health* 107, no. 12 (2017):1977–1981, <https://doi.org/10.2105/AJPH.2017.304095>.

Thank You!

Join our distribution list to receive updates and announcements:

<https://csgjusticecenter.org/resources/newsletters/>

For more information, please contact Felicia at fwright@csg.org

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