

Legislative Options to Reform Laws for People with I/DD Caught Up in the Criminal Justice System



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Legal Reform for People with Intellectually & Developmental Disabled (LRIDD)

Background

- Our personal stories
- LRIDD Mission
- Need for change
 - Existing laws are one size fits all
 - Limited differentiation between Mental Illness and Developmental Disability

Legislation Change

- Criminal justice reform movement
- Take into account Intellectual /Developmental Disabilities
 - ADA Compliance
- How are laws written ?
 - Lobbyists
 - Advocates: **YOU**
 - YOUR Compelling and heart-breaking STORIES.
 - It 's not just how business is done; it's personal

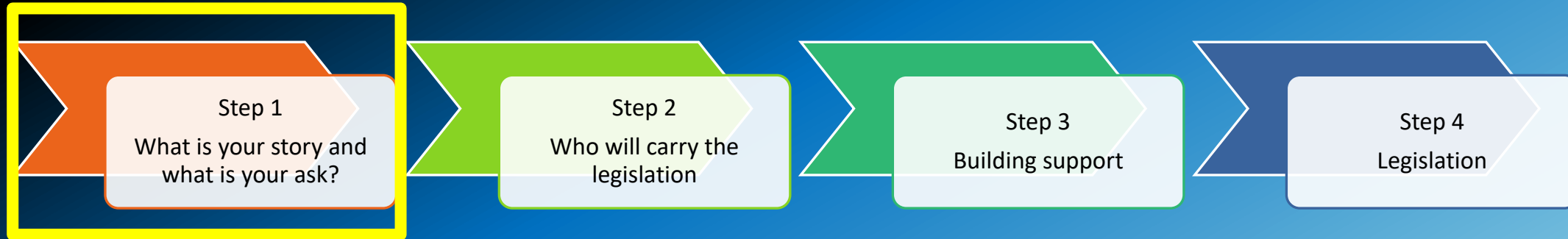
LRIDD Legislation Objectives

1. **Prevention:** Prevent involvement in the criminal justice system
 - a. Education for people with I/DD
 - b. Education for people in the criminal justice system
2. **Intervention:** Intervene early in the legal process
 - a. De-escalation
 - b. ADA compliance
3. **Diversion:** If people fall through the cracks on the above.
 - a. Court
Diversion instead of Incarceration
 - b. I/DD policies for courts, prison systems and parole
 - c. Second chances for those in the system

"Perfection is not attainable, but if we chase perfection, we can catch excellence."

-Vince Lombardi

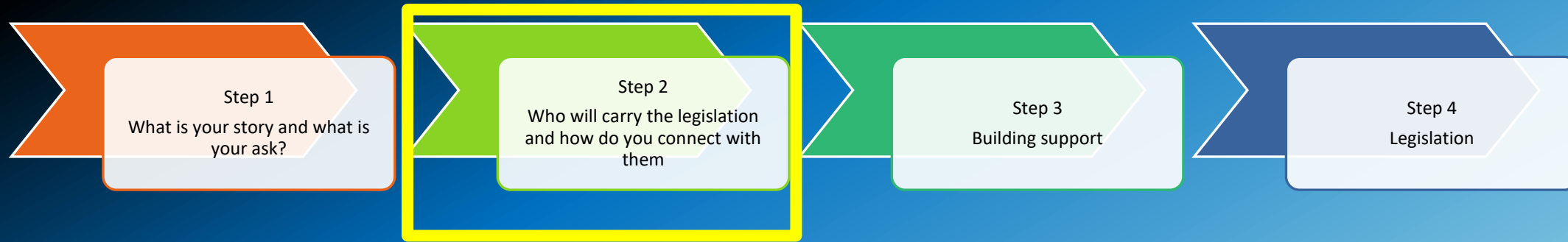
Step 1: Your Story



- **Creating your story**

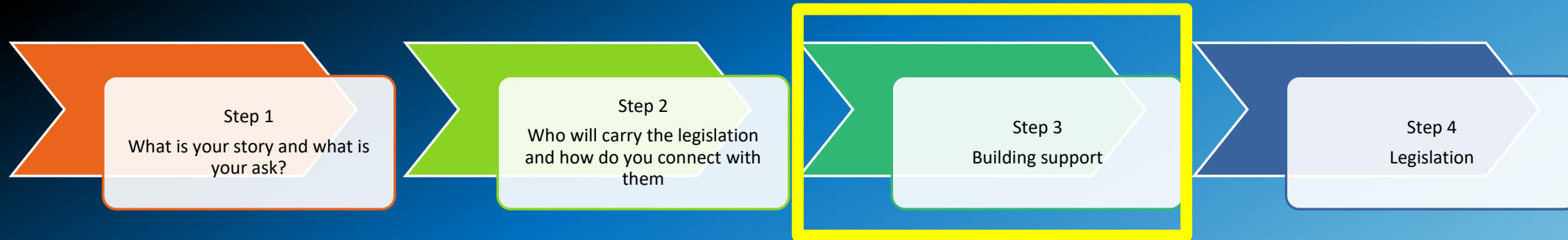
- Write it down 2-3 pages, double spaced
- Keep it short: you will only have 10-15 minutes to tell your story
- Be compelling: DON'T be afraid to SHOW emotion
- Key points:
 - Why are you here to tell your story?
 - Chronological order of what happened.
 - What do you want from your legislator?

Step 2: Who and how



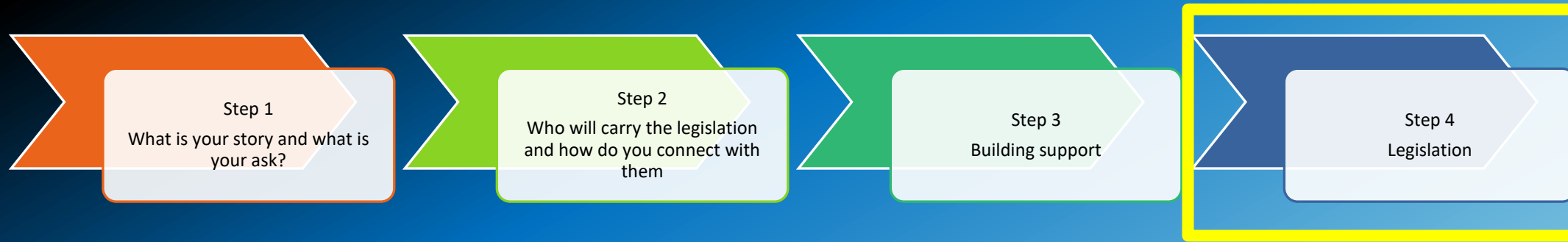
1. Find your local state senator (*NOT your U.S. Senator*) and delegate (*NOT your U.S. Congressman/Congresswoman*) https://openstates.org/find_your_legislator/
2. Find legislators that support other disability organizations
 - Your state Arc <https://thearc.org/find-a-chapter/>
 - Your state Autism society <https://www.autism-society.org/about-the-autism-society/affiliate-network/>
3. Attend legislator's public meetings/town halls (look on your legislator's web site)
4. Call their office. Keep it brief : "your 3-minute elevator speech"
5. Email: This is the last resort.

Step 3: Building your support



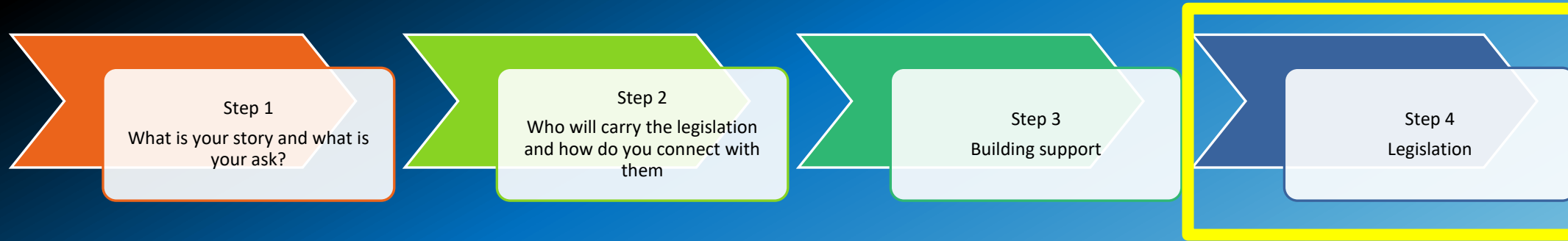
- Partner with other parents in your state (other LRIDD families)
- Meet with your state and local Arc to tell your story
- Meet with your state and local autism or other disability groups tell your story
- Tell your story, tell your story, tell your story. Then, tell your story.

Step 4: Legislation



- Start Early!
- Either the legislator's team (chief of staff or legislative staff) will write the bill...
...Or...
- Use the legislation that has already passed in Virginia as a framework
- Any legislation that discusses Mental Illness, should include the words "or intellectual and developmental disabilities"

Step 4 (continued): Legislation advocacy



1. Get a copy of the bill and track it on the Legislation web page
2. Find out what sub-committee the “Chief Patron” will introduce the bill to
 1. Meet with each committee member at least 1-2 days prior to the committee meeting.
3. Speak at every sub-committee and full committee meeting
 - a. Usually you get 3 minutes to speak.
 1. Take your story from three pages to two paragraphs. (That’s ¾ page, double spaced).
 2. Now's the best time to show emotion when you speak.
 - b. Get other families or other organizations to speak to support your bill

Legislation Success in Virginia

- Partnership
 - Local and state Arc and LRIDD families
 - Arc of Northern VA and Arc of Harrisonburg/Rockingham
 - Arc of VA
 - Town hall meetings with legislators
 - The Arc and LRIDD family visits with legislators
- Gaining momentum
 - Multiple fronts: Families and The Arc, Autism Society
- Bipartisan support
 - Our bills were introduced by Republicans and Democrats
 - Three laws we introduced and passed unanimously.

Conclusion

- Yes you can make a change
- Laws are made by advocates like you
- Most important:
 1. YOUR STORY!
 2. YOUR STORY!!
 3. YOUR STORY!!!

References and background information

CONTACT INFORMATION:
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LRIDD affiliated legislation

- Virginia Bills passed into law July 2020

- HB 659. <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0395>
 - Creates a work group to look at revising policies concerning people with Intellectual and developmental disabilities in the prison systems.
- SB 186/ HB 134 <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0170>
 - This bill ensures that children with I/DD get sexual health education as part of their Individual learning plans (IEP's) from K-12 at developmentally age appropriate education. This is to help minimize and prevent future children getting caught up in the criminal justice system
- SB 133 <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1004>
 - Deferred disposition in a criminal case; persons with autism or intellectual disabilities. It gives the judge options to defer the case/diversion where the disabilities played a role in the situation.
- Legislation in work special legislation session (Currently in session)
 - HB 5043 <https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5043> and SB5038 Mental health awareness response and community understanding services (Marcus) alert system.

- Illinois legislation

- HB 2097 <http://www.ilga.gov/legislation/fulltext.asp?DocName=10100HB2987lv&SessionID=108&GA=101&DocTypeID=HB&DocNum=2987&print=true>
 - Task Force on I/DD in the criminal Justice system

Defining Mental Health Terms

- Developmental Disability (DD) – an umbrella term that can include people with ID, but IQ may not be affected
- Intellectual Disability (ID) – must meet 3 criteria of those listed in the DSM-5, including IQ below 70-75 range. If someone has an ID, their IQ is always affected.
- **Mental illness – is NOT considered to be DD or an ID,**
 - A mental health condition that can be treated with appropriate drugs.
 - Many people have dual diagnosis (both a mental illness and an I/DD)

Developmental Disabilities vs Mental illness

Developmental Disabilities

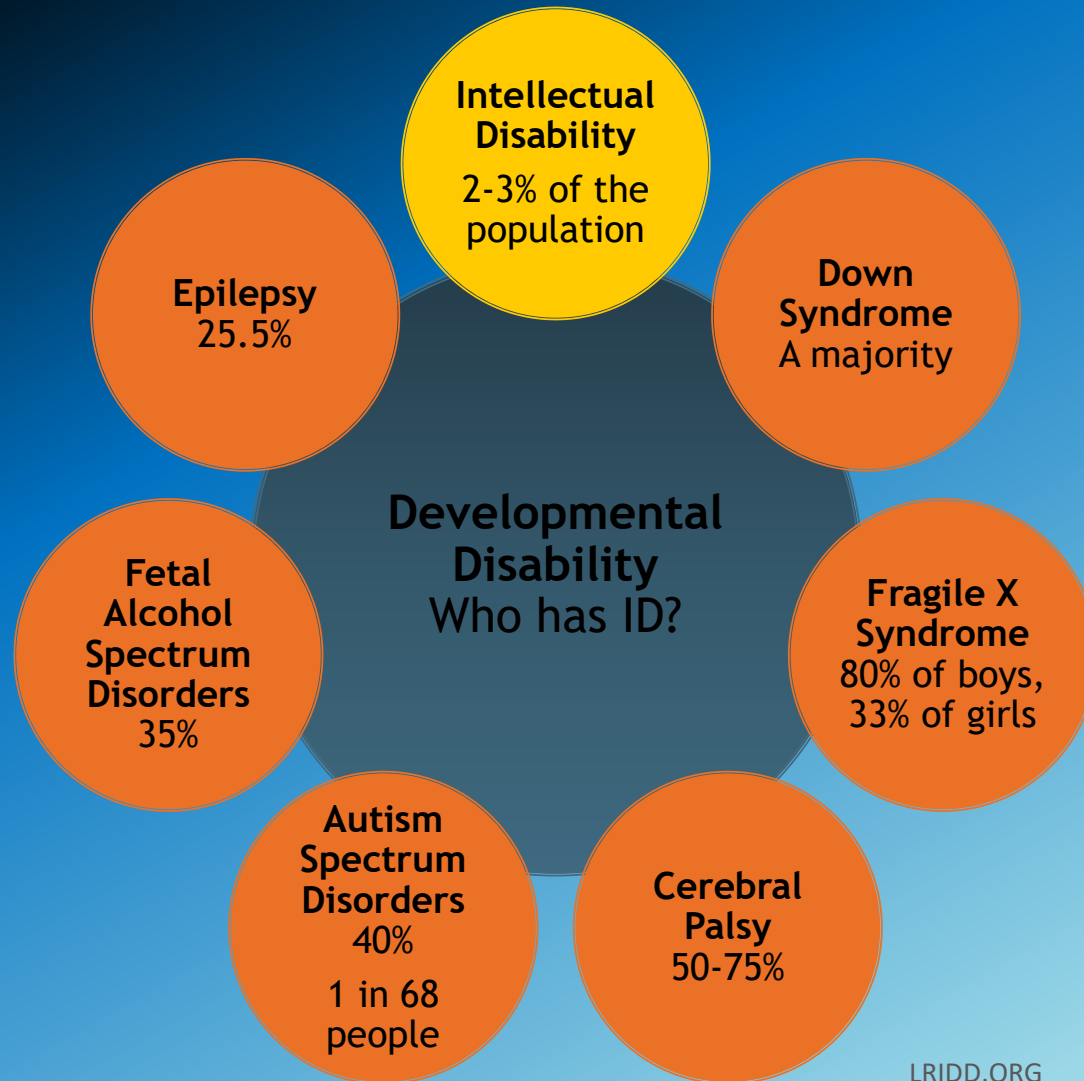
- Before age 22
- Significant lifetime impairment
- May include intellectual deficit
- ***YOU ARE BORN WITH IT AND CANNOT BE CURED***

Mental Illness

- Onset at any age
- Typically no intellectual deficit
- Difficulties in regulating mood and thought
- ***CAN BE TREATED OR CURED***

We are focused on Intellectual and Developmental Disabilities

Intellectual and Developmental Disabilities



According to the CDC:
15% of American
Children have ID/DD

1/54 have Autism.

Autism Spectrum Disorder

- A mental condition, present from early childhood, characterized by difficulty in communicating and forming relationships with other people and in using language and abstract concepts.
- Adaptive functioning: why it is morally wrong to treat them as criminals
 - What is considered appropriate public and private behavior in our society and culture. Allow us to learn the rules so that we can conform our behavior to these norms.
 - Does not pick up the vital visual cues. So does not learn how to respond, these start at birth.
 - They look at the mouth but don't see the eyes or emotions or social cues. The eyes are the key to the soul.
 - “Mind Blindness” .
- Hidden cues
 - Understand the first level but dig down to the next level and no comprehension of the meaning.
 - Coping mechanism to hide their disabilities
- Sensory overload. The brain acts like a computer. Too many programs open, it crashes

Developmental disabilities protected under the ADA

Title II of the Americans with Disabilities Act, 42 USC 12131-12134, and its implementing regulations at 28 CFR

- Title II of ADA prohibits discrimination by state and local governments and impacts virtually everything in the criminal Justice system
- ADA urges officers to identify disability and respond appropriately
- More lenient treatment is not requested, but effective accommodations
- “Developed non-discriminatory eligibility criteria for diversion programs such as community services, specialty courts, or probation programs. ”
- “Developed non-discriminatory eligibility criteria for early release, parole, or other re-entry programs”