

CRIMINAL JUSTICE

AAIDD • ASA • AUCD • NACDD • SABE • The Arc • UCP

BACKGROUND

The criminal system impacts people with disabilities in multiple ways, including disproportionate contact with law enforcement, victimization, overrepresentation in imprisonment and death penalty sentencing, and particular vulnerability in crisis response situations. When disability intersects with other factors such as race, class, gender, and sexuality, it increases marginalization and can increase risk of violence. Aside from some victimization and prison statistics, we lack statistics on disability and law enforcement interactions. This makes developing tools to acknowledge and accommodate disability across the criminal system even more difficult. Disability is not always recognized which can lead the criminal system—including officers, prosecutors, and courts—to penalize conduct related to disability. Further, a lack of community alternatives has involved a police, court, and/or legal response in matters of health, mental health, housing, and other basic social safety needs.

ISSUES

Not enough data: People with disabilities can encounter law enforcement in common scenarios such as traffic stops, accidents, and the reporting of a crime. However, a person's disability status is not generally included in information recorded about these events. This may seem routine, however, information from the media and academic research show real harm can occur when a person's disability is not acknowledged or accommodated during law enforcement encounters. A 2016 study from the Ruderman Family Foundation estimated people with disabilities account for one-third to one-half of all people killed by law enforcement. The American Journal of Public Health published a study in 2017 finding that more than half of Black people with a disability have been arrested by the time they turn 28. In 2019, the FBI began collecting use of force data from law enforcement agencies. However, only 41 percent of the agencies reported any data, and disability status is not a reporting requirement. The data on violence [injury and death] against people with intellectual and developmental disabilities (IDD) is scarce because type of disability is generally not identified

For people like Matthew Rushin, who was sentenced to 10 years in prison after causing a car accident that resulted in injury to himself and others in Virginia, not having his disability acknowledged resulted in his conduct at the accident scene being misunderstood. After a public campaign, Matthew was conditionally pardoned after serving two years in prison. Stories like Rushin's are not unique.

MARCH 2022

FOR MORE INFORMATION PLEASE CONTACT

American Association on Intellectual and Developmental Disabilities at (202) 387-1968
Association of University Centers on Disabilities at (301) 588-8252 • Autism Society at (301) 657-0881
National Association of Councils on Developmental Disabilities at (202) 506-5813
Self Advocates Becoming Empowered at SABEnation@gmail.com
The Arc at (800) 433-5255 • United Cerebral Palsy at 800-872-5827

CRIMINAL JUSTICE

AAIDD • ASA • AUCD • NACDD • SABE • The Arc • UCP

However, without comprehensive aggregated data across race, gender, and disability status, the extent of the interrelated problems is not adequately known, understood, or addressed.

Lack of training: There is a desperate need for mandated, ongoing training for new and veteran law enforcement personnel and first responders on how to communicate, engage, de-escalate, and respond to people with autism, IDD, and other disabilities. There are available training resources that focus on people with behavioral health and IDD that law enforcement agencies could choose to implement.

Crisis Response: In July 2022, 988, a national alternative to 911, will be implemented for mental health and substance use crises. The opportunity to divert calls away from law enforcement and to appropriate health and peer professionals could save lives if maximized. Police have been overwhelmed with an increasing number of 911 calls regarding mental health and substance use issues. Mental health-related calls accounted for [22 percent of cases](#) in which on-duty police used lethal force and killed someone, according to data from 2009 to 2012 from 17 states where data was available. For Black people with disabilities, the chances of having a fatal encounter with police during a crisis call are significantly higher, as Black people account for approximately 27 percent of annual police shootings and killings despite being 13 percent of the general population.

WHAT SHOULD CONGRESS DO?

- Pass legislation to address the high incidence rate of police violence involving people with disabilities, particularly Black, Indigenous and People of Color.
- Pass legislation to collect comprehensive data on police interactions with people with disabilities, including by type of disability.
- Co-sponsor the Safe Interactions Act (S.1566, H.R. 3127) to authorize ongoing mandated training of police and other first responders.
- Fully fund a community crisis response, including 24/7 access to mobile crisis units staffed with clinical and peer professionals trained in trauma informed care. Fully fund community-oriented respite centers that are available 24/7 to all who need the service and ensure that all services are fully accessible and accommodate people with different communication needs, including people who are deaf, blind, or non-speaking.

MARCH 2022

FOR MORE INFORMATION PLEASE CONTACT

American Association on Intellectual and Developmental Disabilities at (202) 387-1968
Association of University Centers on Disabilities at (301) 588-8252 • Autism Society at (301) 657-0881
National Association of Councils on Developmental Disabilities at (202) 506-5813
Self Advocates Becoming Empowered at SABEnation@gmail.com
The Arc at (800) 433-5255 • United Cerebral Palsy at 800-872-5827