

## BACKGROUND

The criminal system impacts people with intellectual and/or developmental disabilities (IDD) and Autistic people in multiple ways, including disproportionate contact with law enforcement, victimization, harsh sentencing, and when imprisoned, people with disabilities are too often housed in solitary confinement. Further, behavioral health emergencies are still met with armed law enforcement rather than trained mental health professionals.

When disability intersects with other factors such as race, class, gender, and sexuality, the risk of violence increases. Lack of good information about disability and law enforcement interactions, victimization, and prison rates makes developing tools to recognize and accommodate disabilities across the criminal system even more difficult.

## ISSUES

**Not enough data:** Limited data is available on law enforcement encounters, arrests, and criminal sentencing records for people with IDD and Autistic people. A person's disability status is not generally included in these records. 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.

**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 IDD and Autistic people. 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, the phone number "988," a national alternative to "911," was 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. Mental health-related calls accounted for 22% of cases in which on-duty police used lethal force and killed someone from 2009—2012, according to data from 17 states where data was available. While some states and localities have funded mobile crisis units to service a portion of their mental health

calls from 988 and 911, we do not have a comprehensive well-funded mobile mental health corps with the capacity to serve the existing need.

**Solitary Confinement:** People with IDD and Autistic people are over-represented in jails and prisons. One study estimated that the prevalence ranges from 9–18% of the incarcerated population, however, Autism is generally not included in screening assessments in jails and prisons. Underdiagnosis, particularly for Black, Indigenous and People of Color (BIPOC) communities is very likely, and there are few accommodations for IDD in these settings. People characterized as mentally ill or having behavioral health needs are disproportionately subjected to solitary confinement.

**Fund Criminal Legal Services:** People with IDD and Autistic people in the justice system need a dedicated source of funding to support legal representation, re-entry services for those returning from incarceration, and alternatives to incarceration. State protection and advocacy agencies generally do not represent people in criminal cases. Those who can afford it hire private attorneys while others depend upon the public defender service where available. Incarcerated people with disabilities face a dearth of accommodations and administrative hurdles to accessing any available accommodations. Enabling a funding stream dedicated to criminal justice work through protection and advocacy agencies is a start.

## WHAT SHOULD CONGRESS DO?

- Pass the Safe Interactions Act ([S. 1731](#)) and ([H.R. 3550](#))
- Pass the Data on Interactions and Accountability for Law Enforcement with Individuals with Disabilities (DIALED) Act ([S.1730](#))
- Pass the Mental Health Justice Act ([S. 3388](#) and [H.R. 6451](#))
- Pass the End Solitary Confinement Act ([H.R. 4972](#) and [S.3409](#))

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### 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  
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