

Creating a Culture of Prevention: Addressing Autism in Today's Criminal Justice System

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Topics for Discussion

- Individual strategies and systems reform to increase safety for victims/defendants and:
 - Reduce unnecessary police interactions
 - Improve access to emergency services
 - Ensure access to effective communication in emergencies or during police interactions



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HOW DO WE CREATE A CULTURE OF PREVENTION?

Education is KEY!



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Crisis Prevention vs. Crisis Intervention Approach

- How do we define “crisis”?
- Do autistic people most often come in contact with officers in crisis situations?
- [CIT programs](#) focus on psychiatric disabilities
- Police departments now developing policies on intellectual/developmental disabilities



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Pathways to Justice®

- More than training; establishes Disability Response Teams
- One day training by and for the community
- Broad reach to a number of criminal justice professions; creates shared vision
- 4 Steps:
Identify - Communicate - Assess - Support



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Pathways to Justice®

www.nccjdpathwaystojustice.org

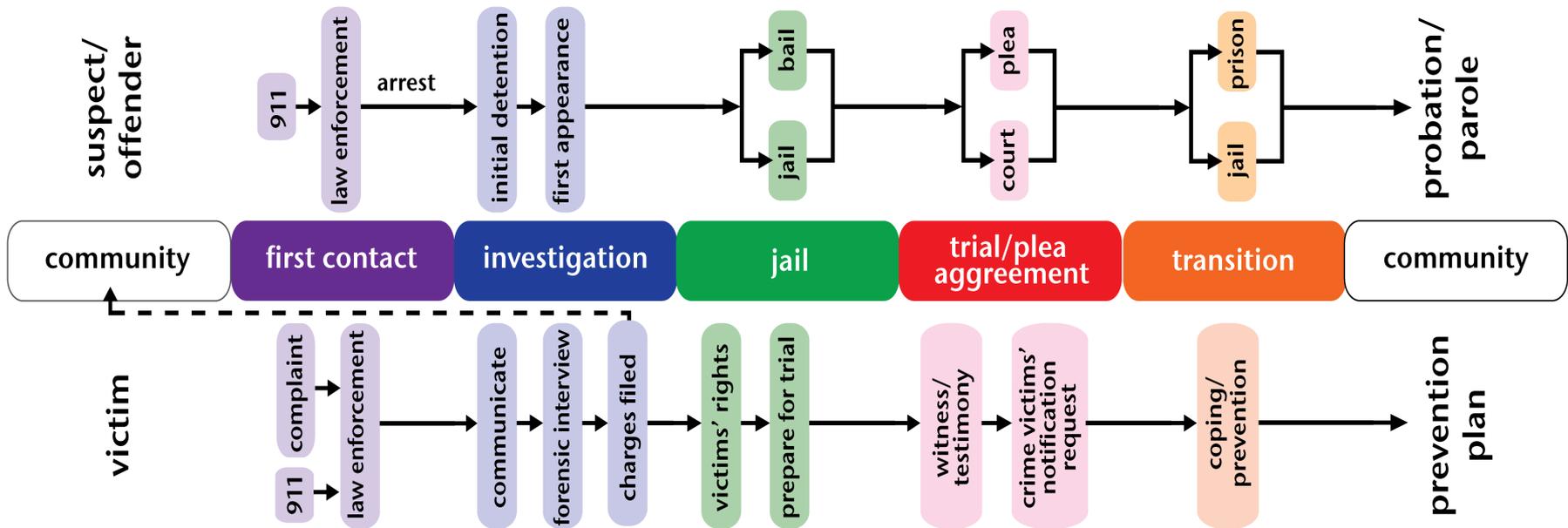
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- Steps:
1. **Identify**
 2. *Communicate*
 3. *Assess*
 4. *Support*

Pathways to Justice Model*



*This model is based on The Sequential Intercept 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.

Why Learn About Autism?

- Overrepresented in jails and prisons
- Often a hidden population
- Confusion about psychiatric and developmental disabilities
- More likely to be victimized
- Avoid liability; build community trust



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Challenges as Suspects/Offenders

- Represent 4-10% of prison population, with even more in juvenile facilities and jails
- An estimated 70% of justice-involved youth have disabilities (including I/DD and mental illness)



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Learning Objectives: Defendants

- Understand the difference between different disabilities and how to respond
 - Learn how to identify if someone has I/DD as soon as possible upon initial interaction
- Learn effective interaction tips and how to de-escalate potentially dangerous situations
- Be familiar with disability specific issues common in prisons and jails (i.e., screening, solitary confinement, etc.)
- Know their local resources and potential partners



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Signs Regarding Officer Contact

- Difficulty communicating and expressing themselves
- Easily influenced by and eager to please others
- Tries to hide disability
- Unresponsiveness or does not understand verbal commands
- Become overwhelmed by the officer's presence
- Try to run away or become upset if being detained
- Have trouble making eye contact



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Common Interactions

- Used by criminals without disabilities unknowingly
- False confessions
- “Offensive” /suspicious behavior
- Disturbances
- Wandering
- Seizures



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International Association of Chiefs of Police (IACP) Model
Policy: Encounters with People with I/DD (updated 2017)

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Communication Tips: Autism

- Do not touch the person, touch may actually cause the person pain
- Do not approach the person from behind
- The person may not respond to verbal questions or requests. Be reassuring, try again
- Understand that sudden outbursts or impulsive behavior may occur. If no one is at risk of harm, wait for the behavior to subside and then calmly continue.



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I/DD Specific Accommodations

- Take extra time to ask more questions to determine presence of disability
- Speak slowly, clearly; check for understanding
- Use plain language, pictures, symbols, communication boards
- Call on local disability agencies
- Assist filling out forms as needed
- Do not question individuals without a support person present



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How to Spot *Hidden* Disabilities

Three Steps That Can Save A Life

1. Look deeper

Hidden disabilities are identified by behaviors, not appearance

2. Slow down

Call your supervisor/support staff to the scene

Call the person's family member/support staff/advocate

3. Ask yourself

What is really going on here? How could disability be playing a role? Who can I call for support or assistance?



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Resources

Impact Feature Issue on Justice & Disability

<https://ici.umn.edu/products/impact/301/#Cover>

Police Chief Magazine Article

<http://www.policechiefmagazine.org/policing-persons-with-disabilities-in-the-21st-century/>



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Resources

NCCJD® - sign up for our newsletter!

www.thearc.org/NCCJD

<https://www.facebook.com/NCCJD>

Pathways to Justice® Training

www.nccjdpathwaystojustice.org

NPR's Abused and Betrayed Series

www.npr.org/series/575502633/abused-and-betrayed



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Assisting People with ID/DD Who Have Been Victims of Crime

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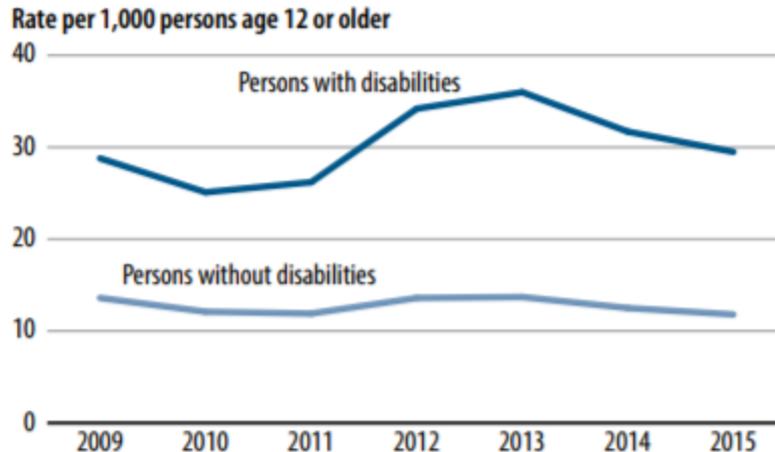
Who Are We?

- Nation's largest advocacy group by and for autistic people ourselves
- All-Autistic leadership, plus majority of Board is autistic – including people with significant communication and support needs
- 21 Chapters Nationwide, plus international affiliates and partners



Background

Violent victimization, by disability status, 2009-2015



Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2008–2015; and U.S. Census Bureau, American Community Survey, 2008–2015

TABLE 4

Rate of violent victimization against persons with disabilities, by disability type and type of crime, 2011–2015

Disability type	Total violent crime	Serious violent crime	Simple assault
Cognitive	57.9 †	22.3 †	35.6 †
Independent living	30.8 †	12.1 †	18.8 †
Ambulatory	29.4 †	13.1 †	16.3 †
Vision	28.8 †	11.3 †	17.6 †
Self-care	25.9 †	9.9	16.0 †
Hearing*	15.7	7.8	7.9

Note: Based on the noninstitutionalized U.S. residential population age 12 or older. Includes persons with multiple disability types. Rates presented per 1,000 persons age 12 or older, except for independent living disabilities, which is per 1,000 persons age 15 or older. See *Methodology*. Serious violent crime includes rape or sexual assault, robbery, and aggravated assault. See appendix table 9 for standard errors.

*Comparison group.

†Significant difference from comparison group at 95% confidence level.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2011–2015; and U.S. Census Bureau, American Community Survey, 2011–2015.

- People with ID/DD are up to **3 times** more likely to be victimized by others
- People with cognitive disabilities are at greatest risk
- High % of crimes are by people known to victim
- At risk for abuse, bullying, trafficking



Special Concerns for Victims with Disabilities

- Communication challenges
 - Failure to provide communication supports
- May be ignored or disbelieved by police
- “Private family issue”
- Cases rarely prosecuted
- Assumptions that victims cannot testify at trial
 - “Incompetent to testify”
 - “Would be too hard on the victim”
 - “Won’t be credible”
- Lack of assistance navigating criminal system
- Lack of coordination between different response agencies
 - Police
 - Adult Protective Services
 - Child Protective Services
- Individual’s response to abuse may be seen as the problem



Identifying Potential Victims

- Was the person targeted for victimization due to disability?
- Is the person able to report what happened, with or without supports?
- If not, are they showing fear of an individual, or trying to escape?
- Could the person think this treatment is normal?
- Does the person think the perpetrator is a “friend”? Does the person think they “need” the perpetrator?
- Are they unaware of how serious or dangerous the situation is?
- Can they get help, get to a safe place or obtain victim services or counseling? Can they receive necessary independent living supports there?



Special Communication Needs

- Motor/Sensory:
 - Augmentative communication
 - Text vs. speech
 - Interpreters
- Cognitive:
 - Simple language
 - Repetition
 - Visual aids
 - Redirection
 - Cognitive translators/
supporters
- Emotional:
 - Supporters
 - Redirection
 - Tone of voice



Duty to Communicate

- Title II of Americans with Disabilities Act
 - Reasonable accommodations
 - Auxiliary aids and services for communication



Special Communication Needs: Motor/Sensory

- AAC devices
 - Not interchangeable
 - Allow extra time for communication
 - Do not interrupt or attempt to finish sentence
- Text vs. Speech
 - Phone not universally accessible
 - Consider “chat” programs for same-time communications
 - Provide written summaries of meetings
- Interpreters
 - May be different from typical sign-language interpreters
 - People with idiosyncratic communication needs may need friends or family to interpret
 - If concerns about intra-family abuse, ask who else is able to interpret to obtain independent validation of previous statements, use yes/no questions that the person can answer alone and independently

Special Communication Needs: Cognitive

- Simple language
 - Resources available through www.plainlanguage.gov
 - Consider “reading level” programs like <http://www.hemingwayapp.com/>
- Repetition:
 - Avoid showing frustration
 - Provide memory aids of what’s happened
- Visual Aids:
 - Illustrations of the process
 - Timelines



Special Communication Needs: Cognitive

- Keeping on topic can require skill and practice!
- Trauma can influence ability to stay “on topic” and follow what you are saying
- May need frequent breaks
- Strategies include:
 - Visual agenda
 - Concrete questions with very specific answers
 - “What happened *right after* that?”
 - “Tell me exactly what they said right then.”
 - “Can I interrupt for a minute? We were talking about ____.”
 - “I need help understanding how this relates to what happened ...”
 - Schedule extra time



Special Communication Needs: Ambiguous Communication

- Some statements may not seem to make sense, but will actually have important content
- Ability to communicate clearly is not necessarily related to ability to understand what happened
- Try “mirroring” statements back in your own words
- Ask for documentation or other records that may help clarify
- If client is literate, ask them to write down what they are trying to say



Special Communication Needs: Emotional

- **Developing trust is essential**
 - Begin with topics not directly related to the crime
- **Supporters**
 - Ensure access to supporters, preferably ones who are “outside” the situation
 - Balance with need for privacy in interview
 - Speak directly to the person, not the support person or interpreter
 - Ask who the person wants supporting them
 - Connect to advocates, especially peer advocates
- **Redirection**
 - May be difficult in aftermath of trauma
- **Tone of voice**
 - Avoid “parentese”



Testimony

- **Prepare to educate court** about necessary communication, cognitive, emotional supports
- Witnesses and victims are **entitled to reasonable accommodations**
- **Document “capacity”**:
 - Consistency of statements
 - Effect of accommodations
 - Effectiveness of AAC method
- **Never** use a victim as **“demonstrative evidence”**
 - We are **people, not props**



Resources

- **ASAN's Safety Toolkit:**
www.autisticadvocacy.org/safety
- **ASAN/UCSF Toolkit on Communication:**
<http://odpc.ucsf.edu/communications-paper>
- **ABA Commission on Disability Rights:**
<https://www.americanbar.org/groups/disabilityrights/resources.html>
- **State Court Accessibility Resources:**
https://www.americanbar.org/groups/disabilityrights/resources/state_court_accessibility.html

