

Creating Safe and Inclusive Communities: Addressing Law Enforcement Interactions with the Disability Community

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Overview

This presentation will:

- Provide context and data on police interactions with people with disabilities,
- Highlight why police training is not enough,
- Explore the need for alternative approaches to law enforcement interactions, and
- Highlight promising community-based approaches.

The Problem

- Disabled people represent a disproportionate number of those stopped, arrested, and murdered by police.
- 1/3 to 1/2 of people killed by police have a disability.
- Black Americans are nearly three times more likely to be shot and killed by police than white Americans.
- One in five people shot and killed by police displayed symptoms of mental illness at the time of the fatal encounter. Since 2015, police have shot and killed more than 1,700 people experiencing mental health crises.
- In California, about 435 community members were seriously injured and 150 were killed during law enforcement encounters each year between 2017 and 2023.

Justice-Involved Adults with I/DD

- According BJS Statistics (even with poor data screening/collection):
 - There are over 25,000 incarcerated individuals with I/DD in the US.
 - ~40% of incarcerated people report having at least one disability
 - Compared with general population, adults in jail 2.5x more likely to have ambulatory disability, 3x more likely to report visual/hearing disability, 6.5x more likely to have cognitive disability
 - Substance Use Disorder (SUD) not usually counted in disability counts (up to 60%+ of incarcerated population meets diagnostic criteria)
 - High prevalence of dual-diagnosis: SUD/SMI with I/DD, TBI, mobility or sensory disabilities, add ACEs

Justice-Involved Youth with I/DD

- 58% of juveniles found IST due to intellectual deficits compared to 6% in adults
 - More than 9 times as likely to see I/DD in youth facilities
- According to sample study of Santa Clara County from 2012-2014, 75% of youth declared IST had I/DD
 - Abstract Thinking - Inability to realistically appraise the strength of the evidence due to concrete and rigid interpretations; Inability to grasp/appreciate adversarial nature of system and/or differing perspectives of evidence
 - Reasoning - Inability to weigh advantages/disadvantages to arrive at reasoned choice
 - Learning - Inability to acquire and retain information over time
- Youth have much higher rates of comorbidity than peers

How Disabled People Get Entangled in the Criminal Legal System

- Lack of Community-Based Services: Inadequate services to support individuals in their homes or communities often lead to crises where law enforcement is called instead of service providers.
- Criminalization of Disability: Behavior that may be an expression of disability (e.g., self-stimulatory behaviors, outbursts, failure to understand social cues) is misinterpreted by law enforcement, leading to arrests.
- Mental Health and Disabilities: A high percentage of individuals with I/DD also face co-occurring mental health challenges. When these needs go unmet, individuals may be caught in cycles of arrest, jail, and incarceration, rather than receiving appropriate treatment and services.
- Lack of Training for Law Enforcement: Law enforcement officers often lack training to identify and respond to the specific needs of individuals with disabilities, exacerbating situations that could have been handled through appropriate interventions or supports.

Law Enforcement Training Cannot Be the Only Response

- Research suggests current police training procedures are insufficient for reducing excessive force incidents.
- A 2019 study found officers considered implicit bias training useful and reported that it helped improve communication with citizens. However, other evaluations showed the training failed to affect officer biases.
- A 2020 study concluded implicit bias training alone is not enough to eliminate disparities in the criminal justice system, such as those emanating from economic inequalities, histories of discrimination, and gaps in healthcare, housing, and education.
- Studies on Crisis Intervention Team (CIT) and other similar programs generally support that CIT has beneficial officer-level outcomes, such as officer satisfaction and self-perception of a reduction in use of force. CIT also may lead to prebooking diversion from jails to psychiatric facilities. However, there is little evidence that shows CIT's benefits on objective measures like arrests, officer injury, citizen injury, or use of force.

Why We Should Examine Alternatives to Training

- Research shows between 7% and 30% of calls for police service are behavioral health-related. Law enforcement now spends only a fraction of their time responding to issues of violence; less than 5 percent of arrests are for serious violent crimes.
- A 2018 study found the use of co-responder teams reduced the number of persons detained in police custody. In addition, citizens involved felt less distressed and less criminalized than with standard police responses.
- A study analyzing crime reductions between 1990 and 2012 concluded community-based organizations likely played a “substantial role in explaining the decline in violence”. In cities with 100,000 people, every new nonprofit focused on neighborhood safety and wellness was associated with an estimated 1% reduction in violent crime and homicide.
- State governments pursuing public health priorities such as investments in safety net programs (e.g., Medicaid, public housing, pre-K–12 education) have had lower average prison incarceration rates and better health outcomes.
- Investing in supported housing for people living with mental health issues has been shown to reduce incarceration rates. For instance, an Ohio study revealed that formerly incarcerated people who received supported housing services were 40% less likely to be rearrested and 61% less likely to be re-incarcerated.

Voters Support Alternatives to Law Enforcement

- A national poll from Data for Progress shows overwhelming support among likely voters for creating non-police emergency first responders to handle emergency calls that involve mental health issues, substance use disorders, health and safety check-ins, and people experiencing homelessness.
- 65% of likely voters support reallocating some of law enforcement budgets to support such non-police first responder programs.
 - 80% of Democrats
 - 52% of Republicans
 - 60% of independent or third party voters
- In California, 1/3 of voters identified various social services (homeless, mental health, drug rehabilitation, and youth programs) as their top need to feel safe

The Role of Community Integration in Preventing Harm and Criminalization

- Community Integration Mandate: Under the ADA and the Olmstead decision, individuals with I/DD have the right to receive services in the least restrictive environment, which ideally means community-based settings with necessary supports, rather than institutional or correctional facilities.
- Benefits of Integration: Research shows that individuals with disabilities who live in integrated community settings are less likely to experience criminal justice involvement. When appropriate supports are in place, such as job training, housing assistance, and healthcare, individuals can avoid situations that might lead to arrest and incarceration.

DRC Expands Community Mental Health Services and Housing in Tulare County

- A DRC investigation found Tulare County inappropriately relied on law enforcement to respond to youth and adults experiencing mental health crises. The County's arrest rates were more than double the statewide average and were even higher for communities of color.
- Key settlement terms:
 - Expanding mental health system to provide 24/7 community-based crisis services
 - Expanding mobile crisis teams
 - Coordinating with school districts to ensure that children and youth receive appropriate behavioral health services
 - Opening a Peer Respite Home
 - Ensuring that people in crisis are connected to Full-Service Partnerships, Assertive Community Treatment (ACT), and/or youth services as appropriate to enable people to live in the community
 - Funding at least 20 new units of permanent supportive housing for County behavioral health consumers and applying for 100 new Housing Vouchers

Crisis Assistance Helping Out On The Street (CAHOOTS)

- CAHOOTS was a nationally recognized program in the Eugene-Springfield, Oregon area.
- It was a 24/7 mobile crisis intervention that deployed unarmed medics and crisis workers. The teams provided immediate stabilization in case of urgent medical or psychological crisis, assessments, referrals, advocacy and transportation to treatment.
- Out of the over 24,000 calls, less than 1% of the calls that CAHOOTS responds to need police assistance, and no one has ever been seriously injured.
- The program cost around \$2 million, equal to just over 2% of the police departments' annual budgets.
- In 2017, CAHOOTS answered 17% of the Eugene Police Department's overall call volume. This saved the city, on average, \$8.5 million each year from 2014-2017, according to the White Bird Clinic.

MH First Oakland and Sacramento

- Peer-led crisis response rooted in racial and disability justice.
- Responders are unarmed and community-based.
- The goal is to respond to mental health crises including, but not limited to, psychiatric emergencies, substance use support, and domestic violence safety planning.

Traffic Enforcement Reform

- According to the BJS, traffic stops are the most common form of police-citizen interaction.
- Mapping Police Violence data shows that in 2022 alone, 86 people were killed by police after being stopped for a traffic violation.
- A 2021 study found traffic stops in California account for 15% of incidents in which a civilian is seriously injured or killed by police. It also found that Black Californians are three times more likely to be “seriously injured, shot, or killed” by police.
- Cities like Berkeley, Oakland, and Philadelphia are moving towards civilian traffic enforcement as a safer option.

Community Resources

- Call BlackLine
 - Provides immediate crisis counseling and collecting information on negative consumer, police and vigilante contact in the US.
 - BlackLine has professional staff, trained volunteers and collaborative partnerships to create innovative responses to pressing social needs and issues through a Black, LGBTQ and Black Femme lens.
 - <https://www.callblackline.com/aboutfaq>
 - Call us at 1 (800) 604-5841 or email us at info@callblackline.org.
- Don't Call the Police
 - <https://dontcallthepolice.com/> is an online directory of local resources available as alternatives to calling the police or 911.

Questions?

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If you are an individual, family member, or advocate for someone with a disability and have questions about legal rights related to your disability, call:

1-800-776-5746

or TTY call: 1-800-719-5798

Available Monday/Tuesday/Thursday/Friday from 9:00AM – 3:00PM
Our intake line is closed on Wednesdays.

We do not discriminate on the basis of immigration status.

<https://www.disabilityrightsca.org/get-help>