# **People with Developmental Disabilities in the Criminal Justice System**

Sept. 18, 2019



Diane Scottaline, Executive Director, **The Arc of Benton Co**. Cody Gotchall, Director and Self – Advocate, **The Arc of Benton Co**. John Gotchall, MD, Director – **The Arc of Benton Co**.

In collaboration with The Arc of Oregon.

Problem: The Criminal Justice System (CJS) has a Blind Spot regarding Developmental Disabilities (DD)

Proposal: Legislative resolve to support evidence-based, ADA-compliant best practices at the intersection between DD and CJS, regardless of victim, suspect or witness status



# What is Developmental Disability?

CDC & ORS say

Group of conditions causing impairments in physical, learning, language and/or behavior domains

Begins during developmental period

Impacts daily functioning

Lasts a lifetime



## **Examples**

- Attention-Deficit / Hyperactivity Disorder (ADHD)
- Autism Spectrum Disorder (ASD)
- **Hearing Loss**
- **Cerebral Palsy**
- **Down Syndrome**
- **Intellectual Disability**
- **Developmental Delay (Prematurity)**



## Autism is ...

Biologically-based spectrum of neurodevelopment diversity affecting how people perceive the world and interact with others:

- Communication challenge: difficulty w/ satire, sarcasm, ambiguity
- Social Interactions are concrete, uncertainty interpreting eye contact, body language
- Sensory sensitivity: lights, noise, crowds
- Restricted, repetitive patterns of behavior, interests, activities (focus)
- Spectrum or impairments from non-verbal to high functioning



## Autism is NOT !

- An Illness
- A Disease
- Mental Illness

# ADA: do not misrepresent disability characteristics



### **DD Vulnerabilities**

- Sexual Assault: 7-fold Increase (all crime categories inc'd)
- Arrests: 6-fold Increase
- Incarceration: 4-fold increase
- Grooming, False Friends
- Neglect, Implicit and Explicit bias (abuse)



# **Simulations**

I Love Dogs (language challenges, receptive and expressive)

Rule bound, both lanes https://www.youtube.com/watch?





## **Accommodations Basic**

- Simple and Inexpensive: Communication & Sensory Accommodations
- Broadly Applicable: Just as curb cuts assist able bodied people pushing strollers
- **Slow down**: Count three five seven; Slow is smooth, smooth is fast.
- **Sensory Awareness**
- **Regardless of Portal: Victim, Witness or Suspect**



#### **Americans with Disabilities Act**

- **Do Include People with Disabilities** and their Advocates
- **Do Preserve Disability Information**
- **Don't misrepresent benign characteristics** as deceptive, criminal or mental illness
- Don't discriminate, neglect or abuse
- **Do Provide Reasonable Accommodations**









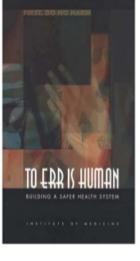




#### *To Err is Human* Institute of Medicine, 1999

Up to 98,000 deaths annually due to medical errors.

Improvement goal: Reduce by 50% in 5 Years.



#### 100,000 Lives Campaign Results

- Estimated 120,000 lives saved by participating hospitals through overall improvement (*IHI* cannot attribute change in mortality to the Campaign per se research studies pending)
- Over 3,100 Hospitals Enrolled
  Over 78% of all acute care beds
- · Participation in Campaign Interventions
  - Rapid Response Teams: 60%
  - AMI Care Reliability: 77%
  - Medication Reconciliation: 73%
  - Surgical Site Infection Bundles: 72%
  - Ventilator Bundles: 67%
  - Central Venous Line Bundles: 65%
  - All six: 42%



Benton County

© 2013 The Karen Martin Group, Inc.

#### Triple Quadruple Aim



The Arc Benton County

#### Compare sectors

Sector	Guidance	Template	When
Education	IDEA / 504	I. E. P.	1 <sup>st</sup> Grade Fwd
Health Care	ADA / OHA	I.T.P. Care Coordination	ASAP(ractical)
Criminal Justice	ada?	???	Late / Never





#### What is the solution?

Implement evidence-based best practices using professional guidance and technical assistance across the spectrum of CJS professionals.

These resources are available today: The Arc of the U.S. (Pathways to Justice) The Arc of Oregon and other DD advocates) Bureau of Justice Assistance US Department of Justice Vera Institute of Justice The Arc of Benton County (CommCards)



## Request:

Legislative resolve to support evidence-based, ADA-compliant best practices at the intersection between DD and CJS, regardless of victim, suspect or witness status.

Thank you!



The Arc. Benton County

WHEREAS ....





Purposefully left blank

