Using Personalized Justice Plans & Other Tools to Create *Pathways to Justice™* for People with Intellectual & Developmental Disabilities

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Learning Objectives

• Learn what a Personalized Justice Plan or “PJP” is, why it’s a powerful tool for advocates and basic introduction of how one is created

• Learn how to use NCCJD and Pathways to Justice™ as a key resource in supporting your chapter’s criminal justice advocacy efforts

• Understand the importance of moving away from a crisis intervention approach to a crisis prevention approach when training law enforcement
Personalized Justice Plans

Providing Alternatives to Incarceration for People with I/DD
• As with the general population, most individuals with intellectual or developmental disabilities are law-abiding citizens.

• Individuals with I/DD are not more likely to commit a violent offense than the general population.
Identifying Offenders

• Difficult to identify - Confused with Mental Illness, Substance Abuse

• We know that people with I/DD comprise about 3% of general population.

• We know that people with I/DD comprise at least 9% of the prison population.
Criminal Justice System

• Many criminal justice system professionals lack an understanding of DD and ID and have no access to referral sources, technical assistance or training.

• Nonetheless, cognitive impairment and deficits can limit meaningful interaction with the criminal justice system.
I/DD System

• Not historically created to work with criminal offenders
• Community Service Providers often struggle with how to address the needs of clients involved in the criminal justice system
• No incentive to provide housing and services to offenders with I/DD, often considered “high risk”
Incarceration Alternatives

- Being diagnosed with an I/DD is not a bar to criminal charges.

- Being diagnosed with an I/DD does not prevent incarceration in a jail or prison.

- Goal of a Personalized Justice Plan (PJP) = an alternative to incarceration.
What We Know

- Research tells us that when any criminal offender has supervision and is gainfully employed or has activities in the community, recidivism is reduced.

- Offenders who have I/DD receive little specialized attention from supervisory systems.

- Offenders who have I/DD face more challenges becoming part of the work force and finding adequate housing.
Challenges to Success

• Because of these specialized challenges in finding appropriate housing, finding appropriate job training, and jobs, and in finding good connections in the community

• CRIMINAL OFFENDERS WITH I/DD ARE OFTEN UNSUCCESSFUL AND GO BACK TO PRISON
Profile of the Offender with Developmental Disabilities

- Male
- Mild to moderate disability
- Ages 20-40
- Economically disadvantaged background
- Unemployed
- Aware of and tries to hide disability

- Crimes committed:
  - Sexually Related Crimes
  - Drug Related Crimes
  - Crimes Against Person (Robbery/Assault)
  - Crimes Against Property (Burglary/Vandalism)
  - Arson

- Usually commits crimes in concert with others
- Usually last to leave the scene of the crime and first to be caught
Problems Encountered

- May not understand rights as read to them
- May seek to please authority figures so say what they think they want to hear
- Prone to regress out of fear
- May hide their disability and so go unnoticed by counsel
- Try to parrot responses
Plea

• Statistically, offenders with developmental or intellectual disabilities are more likely to plead guilty and more likely to plead to original charges than non-developmentally disabled cohorts
Disadvantaged Position of Offenders with DD/ID

- **Sentencing**
  - Probation and other diversionary non-institutional programs are used less frequently because defendants with IDD are often not considered to be good prospects for such programs
  - Appeals of convictions are sought less frequently
  - Post-Conviction Relief (PCR) is rarely requested; only in a small minority of cases
**PROBATION: RISK FACTORS**

- Possible problems with client’s ability to follow directions
- Failure to attend required counseling
- Not reporting to the probation officer
- Violate Probation
In Prison

• Often spend more time incarcerated than non-disabled counterparts due to inability to conform to disciplinary rules and regulations

• Lack of appropriate programs reduces likelihood of parole
The Criminal Justice Advocacy Program

- Provides Alternative to Incarceration and case management for people with I/DD in the criminal justice system.
- Provide information to attorneys and the judiciary about pertinent characteristics of I/DD.
- Assists probation and parole by locating and securing services in the community and helping to ensure compliance.
Assisting Our Clients

- **Identify existing services:**
  - Disability Service Providers: residential providers, supported employment services, respite care, recreational programs.
  - Psychologists, therapists and programs that address offender issues: sexual offending behavior, drug/alcohol addiction.
Personalized Justice Plans

- **PJP forms:**
  - Address multiple areas and can be tailored to meet the needs of each individual.
  - Draft a plan: include the input of all involved parties - most importantly the offender.
  - If the person is not willing to follow the recommendations of the PJP, it will not work!
Personalized Justice Plans

• Finalize the plan and condense it into a letter.
• Detail all services in the PJP, specific facts of the case, describe the person’s disability and provide contact information.
• Share letter with attorney prior to court for their review and comment.
• Send letter directly to the judge with copy to all parties.
• Appear in court if possible to explain PJP in person.
Personalized Justice Plans

- **PJP accepted**: client is placed on probation with PJP as a condition.
  - Contact probation officer or department.
  - Go with client to probation (if possible) or speak with probation officer via telephone the day your client reports.
  - Provide progress reports to probation officer as requested.
Personalized Justice Plans

• Client found incompetent to stand trial (IST):
  – Offer to monitor case for set time frame and provide progress reports to court as requested.
  – If person is willing to comply with PJP voluntarily, establish services for person and monitor progress for 6 to 12 months.
  – With no legal obligation to comply with PJP, clients found IST may not follow through with services.
Personalized Justice Plans

• Probation or community placement not an option/not accepted by the court.
  – Prison: Contact social work department. Tell them of inmate’s disability. Request placement out of general prison population.
  – Treatment facility/civilly committed: Follow up with facility. Ask to be notified when person is scheduled for release so community supports can be identified.
Personalized Justice Plans

- Each case is individual, no two PJPS are the same.

- PJPs must address the needs of the Court.

- Accountability and Responsibility must remain with a competent defendant.
GOAL

• The goal of a PJP is to be a preventative tool against future criminal involvement.

• Reduction in recidivism along with successful integration in the community.
State v. C.M.

• Represented by the Office of the Public Defender

• Charged with over 15 counts of animal abuse, arson, theft and vandalism
C.M. Background

• *Diagnosed with FAE/FAS at 18 mos.*
  – Low IQ
  – Impulsivity
  – Poor judgment
• * Classified in school system 
• *Additional diagnosis of mental illness after puberty 
• *Some substance use, ie marijuana, alcohol
Obtaining DDD Services

• Adoptive parents contacted DDD
• Completed DDD Application (available online)
• Initial denial: Appealed decision
• Wanted Independent Housing for C.M.

What Happened!
Criminal Offense

• Combination of poor placement, stopping medication, bad friends:
  – Crime Spree: included B & E, assault, animal abuse, arson
  – Over the course of two days
  – No other criminal record
Coordination of Services

- Assistant Deputy Public Defender and family made contact with CJAP

- By coordinating with CJAP, DDD, attorneys and the court (MH probation), housing and services obtained
Knowledge is Key

• Successful advocacy with regards to the criminal justice system is dependent upon our knowledge and understanding of both systems.

• The human service system and criminal justice system function in two distinct spheres, each with their own vocabulary and hierarchy.

• Clear, concise, jargon-free communication between systems is the key to successfully advocating for people with developmental disabilities who become involved in the criminal justice system.
Improving Communications Between Systems

• *Talk to providers about the issues:*
  – Community provider associations can get message out to people who serve individuals with developmental disabilities.
  – Offer to educate addiction programs about people with disabilities.
  – Speak with the Association for Treatment of Sexual Abusers. Find out who is willing to treat people with Dev. Disabilities who are charged with sex offenses.
  – Train and educate law enforcement, bar and bench.
Each Encounter is an Education

- Every time the human service system and criminal justice system interact, there is an opportunity to educate one another.
- More awareness and understanding between our systems will result in an improvement in the administration of justice for all people with developmental disabilities.
The Mission of NCCJD®

Build the capacity of the criminal justice system to respond to gaps in existing services for people with disabilities, focusing on people with intellectual and developmental disabilities.
What is NCCJD?

• Training & technical assistance center funded by Bureau of Justice Assistance (BJA)
• First national effort to address both victim/witness and suspect/offender issues at the same time
• National clearinghouse for information and training on people with disabilities in the criminal justice system (focus on I/DD)
• Thank you... The Arc’s chapter network and national reach gives us a strong platform to create change!
NCCJD Products and Services

- Signature Product - Pathways to Justice™
- I&R and technical assistance with online request form
- Free webinars on a variety of criminal justice topics
- Publications:
  - Diagnosis Specific Fact Sheets: ASD, FASD, ID, Mental Illness
  - Other Fact Sheets: Targeted to families and self-advocates
  - Profession Specific Tip Sheets: Law Enforcement, Victim Services Providers, Attorneys
  - White papers: Competency, Intersection of race and disability
- Informative web site with on-line resource library, including state-by-state database of resources, and model legislation page
How can we do better as an organization to equip law enforcement and other allied professionals (such as attorneys and victim advocates) to ensure the safety of those we serve?
Pathways to Justice™
A Comprehensive Training Program for Law Enforcement, Victim Service Providers and Attorneys on Intellectual and Developmental Disabilities

• Survey chapter network and others
• Literature review / review other curricula
• National Advisory Committee review
• Focus groups with target audiences
• Pilot tested with Chapter DRTs
• BJA-reviewed and approved
• Developing comprehensive evaluation plan
The philosophy...

- Uses multi-disciplinary teams called Disability Response Teams or DRTs
- Built on the Pathways to Justice model
- Focus is on community-policing, not crisis-driven only (Crisis PREvention, not only INTERvention)
Pathways to Justice Modules

Module 1: Introduction to DRTs and the Pathways to Justice Training Program
Module 2: Disability Basics
Module 3: Law Enforcement
Module 4: Victim Service Providers
Module 5: Attorneys
Module 6: Developing a PTJ Plan
Pathways to Justice
Chapter Pilots
The Arc’s 2014 National Convention

• The Arc of Maryland
• The Arc of the Midlands (SC)
• The Arc of New Jersey
• The Arc of Pikes Peak (CO)
• The Arc of Spokane (WA)
2016-2017 Pathways to Justice
Chapter Sites

• The Arc of New Mexico - NCCJD Intern*
• The Arc of Texas
• Berkshire County Arc (MA)
• The Arc of Loudoun County (VA)
• The Arc of Ventura County (CA)
• The Arc of Winnebago, Boone and Ogle Counties (IL)
Disability Response Team (DRT) Hosted by Chapters of The Arc

Criminal Justice Professionals
- Law Enforcement
- Victim Services Providers
- Legal professionals

Disability Community
- Family advocates
- Disability advocates (other than The Arc)
- Self-advocates

Disability advocates (other than The Arc)
Why Crisis PREVENTION?

• Do you think people with I/DD most often come in contact with officers in crisis situations or for other reasons?
• CIT programs focus on addressing mental health crisis (mental illness), little focus on I/DD
• Shift focus to community policing principle of relationship-building and disability principle of inclusion
• Emphasizing crisis prevention creates a safeguard against potential crisis involving people with I/DD
Evaluation is KEY!

- Developing stronger evaluation tool and overall evaluation plan, potentially leading to continued BJA funding
- Follow up with DRT members three months out to measure effectiveness of training tool and record DRT tasks/accomplishments
- Asking the question to chapters: what evaluation tools do you use related to criminal justice services/advocacy?
I&R and Technical Assistance

Over 500 requests since Jan 2014

- White House Domestic Policy Council
- Policing Post-Ferguson Conference, Yale Law School
- Numerous media requests (NPR, Washington Post, NBC Dateline)
- Juvenile Justice Coalition webinars
- DOJ’s COPS program - articles for online newsletter
- IACP - revise model policy and issues paper
- Vera Institute of Justice - male victims with disabilities
- US Dept. of State, International Disability Rights
- MECP - webinar on protecting children with I/DD
- DOJ’s Community Relations Services - hate crimes panel
- The Arc of Calhoun and Cleburne Counties & VA agency (AL)
- ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives)
- Numerous individual requests re: suspects of sex crimes, assistance with PJPs, victim’s issues, death penalty, etc.
NCCJD Webinars

- 13 webinars with 1,850 attendees
  - Archived webinars available
- Broad range of topics
  - Serving crime victims with disabilities
  - Supporting victims re: sexual violence
  - Alternatives to incarceration
  - Services/supports for sex offenders with I/DD
  - State legislative reform
- The Arc of New Jersey’s webinars
  
  http://www.arcnj.org/programs/criminal_justice_advocacy.html
**NCCJD Web Site & Social Media**

- Pathways to Justice™ video & conversation guide (over 2,000 views)
- State-by-state map; list of resources searchable by profession and location
- NEW! Criminal Justice & Disability Legislative Database
- Blog posts from NAC members, chapters, family members, etc.
- Publications
- Facebook - over 1,700 followers
- Coming Soon! Our new Pathways to Justice™ web page

[https://www.facebook.com/NCCJD](https://www.facebook.com/NCCJD)
Join the Movement!

- Attend semiannual chapter update meetings
- Stay in the know via NCCJD’s Facebook and sign up for quarterly e-newsletter
- Attend NCCJD’s free webinars
- Use PTJ video and conversation guide
- Use I&R/TA service and refer others
- Add resources to state-by-state map
- Suggest names of expert witnesses and legislation for online database
Contact Information

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