

Developmental Disabilities and Law Enforcement

State of Georgia
Crisis Intervention Team
Training Program

Topic: Developmental Disability and Law Enforcement

Objectives:

- Describe developmental disability
- Explain difference between mental illness and developmental disabilities
- List/describe challenges of a police officer in contact with a person with a developmental disability
- List/describe challenges of a person with developmental disabilities in responding to a police officer

Objectives (Cont.)

- Describe common encounters a police officer might have with a person with developmental disabilities
- Describe methods to use in communicating with a person with a developmental disability
- Discuss possible ways of determining the appropriate placement/setting for a person with a developmental disability

What is a Developmental Disability?

- A disability that is manifested before the person reaches 22 years of age. This disability results in a significant impairment to a person's daily functioning. This disability can be the result of conditions such as mental retardation, autism, and other associated conditions such as cerebral palsy and seizure disorders.

What is a Developmental Disability?

- Results in significant deficits in 3 or more of the following areas:
 - Self care
 - Economic Self-sufficiency
 - Self-direction
 - Learning
 - Mobility
 - Language
 - Capacity for Independent Living

What is a Developmental Disability?

- Reflects the need for a combination and sequence of special supports and services
- Is life long - once it occurs (usually from birth)
- Calls for individualized planning, coordination, and supports - *making it difficult to generalize*

Major Types of Developmental Disability

- Mental Retardation
- Autism
- Behavior Disorders
- Fetal Alcohol Syndrome or Effect
- Learning Disabilities
- Epilepsy
- Cerebral Palsy

NOTE: 11% of students have developmental disabilities - can probably generalize to adult populations

Mental Retardation

Intellectual Disabilities / Cognitive Disabilities

- Intellectual and adaptive functioning that is significantly lower than the normal individual
- This diagnosis is based upon IQ and degree of impairment in adaptive functioning
- Levels range from mild, moderate, severe, to profound.
- Level of IQ can be misleading - so much depends on life experiences

Autism

Lifelong disability that appears during the first three years of life

It is characterized by:

- Lack of social responsiveness
- Lack of communication abilities
- Persistent compulsive behaviors
- Resistance to change in routines, schedules, and familiar environment

Fetal Alcohol Syndrome

- Difficulty with memory, attention, and judgement
- Poor impulse control
- Sensitivity to pressure, sound, and bright lights
- Poor motor skills
- Facial characteristics include- but are not always present
 - Small head
 - Flat midface
 - Narrow eye slits
 - Low nasal ridge

General information about Developmental Disabilities

- Not all developmental disabilities involve cognitive limitations
- Persons with cerebral palsy may also have mental retardation, but they are two different disabilities - the same is true of autism
- Not everyone with a cognitive disability has mental retardation

Some common myths about Developmental Disabilities

- Cannot remember facts - happenings
- Cannot be credible witnesses or reporters of information
- Have high rates as offenders

Disability and Victimization

- Persons with developmental disabilities are more typically the victims of crime
 - Rates of victimization are extremely high: they are 5-10 times more likely to be victims of crime than the general public
- When properly supported, people can make very reliable witnesses

Disability and Victimization

- Being assaulted, raped or starved by a caregiver is treated as a human resource issue rather than a crime - it is a crime.
- Assault or rape by community members is often dismissed or ignored, with few arrests and little prosecution occurring.
- Being assigned responsibility for actions beyond their capacity.

Differences Between Mental Retardation and Mental Illness

Mental Retardation:

- Intellectual Functioning that is lower than the normal person's intellectual functioning
- Occurs before age 22
- Degree of impairment is virtually permanent/lifelong
- Person with mental retardation can be expected to behave rationally at his/her functional level.
- People with mental retardation can have an additional diagnosis of mental illness.

Differences (Cont.)

Mental Illness:

- Has nothing to do with intelligence
- May be improved/controlled with therapy and/or medication
- May recover completely from mental illness. Not necessarily permanent.
- May occur at any age
- Person with mental illness may vacillate between normal and irrational behavior
- Mental illness covers a wide variety of symptoms affecting perception, emotions, impulse control, hostility, etc.

Co-Occurrence of Disability

An individual can often be diagnosed with many disabilities

- Mental Retardation
- Autism
- Mental Illness
- Behavioral disorders
- Cerebral palsy
- Vision/hearing disabilities
- Personality disorders
- Seizure disorders

Challenges for a Police Officer

- People with developmental disabilities may not be able to communicate effectively or talk at all.
- People with developmental disabilities may engage in behaviors that are strange, annoying, confusing, or offensive to the officer.
- People with developmental disabilities may not understand Miranda Rights.
- Situations involving people with developmental disabilities may require more time and effort.
- People with developmental disabilities may have co-occurring disorders.

Information for Police Officers

- Developmental disabilities are present in about 10-11% of the population.
- Persons with developmental disabilities do not typically tell others that they have a disability; and
- Most disabilities are not readily visibly evident, but interaction and observation often provide clues that a developmental disability is present and needs to be considered.
- Federal laws require reasonable accommodation.
- Wherever /whenever a crime is committed, police are responsible for investigating and enforcing the law.

Information for Police Officers

- Knowledgeable, aware police officers significantly improve the chances of good, fair prosecution of crimes committed against people with developmental disabilities: taking a good report is critical.
- Knowing when to involve other professionals can take the pressure off - access people with information on disabilities to make your job easier.

Information for Police Officers

- Observant, proactive police officers can help reduce the rates of victimization by:
 - Keeping an active watchful eye out for vulnerable persons and providing extra protection to them;
 - Assuring that crimes against persons with disabilities are recognized as real crimes against real people; and
 - Taking time to get the story from victims with developmental disabilities. It will take longer, but they can and do tell their stories accurately, when we listen well.

Challenges for a Person with Developmental Disabilities

- May not understand the officer or be able to process information or instructions fast enough to respond
- May not be able to cooperate with law enforcement to
 - place happenings in sequence or time;
 - read something or sign a document;
 - speak, or
 - move in a particular way

Challenges for a Person with Developmental Disabilities

- May not understand potential for harm if she/he engages in suspicious/aggressive behavior
- May become frightened or frustrated due to lack of understanding
- May have been taught not to talk to strangers
- May interpret attempts to be helpful as alarming
- Because he/she is under pressure, may not be able to process information, answer questions, follow directions

Additional Challenges

- People with developmental disabilities may not understand appropriate social rules when in contact with community.
- Taught that police are friends and helpful, may not be able to recognize or adjust to the role change of an officer who is an interrogator
- Incomplete or immature concepts of blameworthiness or culpability
- May feel compelled to answer a question even if the question exceeds her/his ability to answer- *“I don’t know/understand”* is too hard to admit
- If offered the opportunity to make a phone call, may not know how.

Common Encounters with Person with a Developmental Disability

- A person with developmental disabilities who is disruptive and violent in a group home
- Family/agency reports a person missing
- Person with developmental disabilities who is a victim of assault or rape
- Individual disruptive or stealing in a store
- Individual engaging in inappropriate behavior in public place, etc.

Communicating with a Person with Developmental Disabilities

- Use simple language.
- Use concrete terms/ideas.
- Avoid leading questions.
- Phrase questions for a yes/no answer.
- Rephrase Miranda Warning and ask for explanation.
- Go slow and provide praise for cooperation.
- Never make fun of person.
- Avoid vague, complex questions and asking reasons for behavior.

Managing Crises Involving Persons with Developmental Disabilities

- Speak calmly, quietly, and as firmly as possible.
- Use non-threatening body language.
- Use firm, ONE-STEP commands.
- Minimize distractions.
- Keep animals away (DOGS).
- Look for personal identification information (ID).
- Identify support network (family, caregivers, providers).
- Prepare for time-consuming encounter.
- Calmly repeat short, clear directives.
- Maintain eye contact, observe for signs of understanding.

Managing Crises (Cont.)

- Be attentive to motor/sensory impairment
- Do not use physical intervention unless absolutely necessary
- Be aware of different forms of communication
- Keep safe distance
- Don't take odd/bizarre behaviors personally.
- Look for signs of agitation, weapons, anger, mental illness
- Use family/caregivers, agency providers as a resource.
- Consider alternatives to arrest (hospital, alternative placements, de-escalation with psychiatric followup, etc.)

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