

Transition

Best Practice Update

Disability Justice Initiative

Project overview

There are a growing number of crimes against people with disabilities in our society. People with significant disabilities experience serious crime at a rate four to ten times higher than the general population. The vulnerability of people with disabilities stems partly from dependence on caregivers, a desire to please and be accepted, and lack of education about sexuality and abuse issues. Victims with disabilities are often unable to advocate on their own behalf for services and equal justice. Victim services are not always equipped to support people with disabilities. Disability services can be confusing to those outside the system. The acronyms can be confusing, and concepts like “age appropriateness” and “normalization” can be misunderstood by those who have not had training or experience in the disability field. There is also misunderstanding within the disability community in regard to the criminal justice system. Disability workers often do not understand how the criminal justice system works and may inadvertently interfere with an investigation or the questioning of victims and witnesses who have disabilities.

Raising awareness of these issues among people with disabilities, service providers, and the criminal justice system is critical for system changes. The Disability Justice Initiative (DJI) project is a collaborative effort between the ND Center for Persons with Disabilities at Minot State University, the ND Developmental Disabilities Council, and the ND Protection & Advocacy Project. The focus of DJI activities is to raise awareness and provide training and information on issues related to recognition and effective interaction with people who have disabilities, specifically mental retardation and mental illness. Changes in community supports and legislation have resulted in more people with mental retardation and mental illness living within the community, thus increasing the likelihood of encounters with law enforcement. The DJI project has developed curriculum materials to be used by personnel within the law enforcement system and community MR and MI service providers.

The Role of Educators

Teachers and other educators can also play a part in helping students with disabilities develop skills needed to avoid becoming an offender or a victim.

- Provide training and education about sexuality and abuse issues. Teaching should include issues such as personal space, healthy relationships, dating, intimacy, respecting others, how to say no, and actions to take if a violation is made.
- For students who have difficulty communicating, it may be appropriate to teach them to carry a wallet card that provides identifying information such as their name, the type of support they need, and who to contact for assistance. Specific disability information can also be included when applicable, such as:
 - I am unable to speak, but can communicate with you using my (name device such as picture book, touch talker, etc.).
 - I have a seizure disorder and may appear disoriented following a seizure, please give me time to reorient to my surroundings.
 - I cannot speak or hear but I use sign language. Please get a sign language interpreter if you do not understand sign language.
 - I have a disability and may not clearly understand instruction, questions, or requests that are made. Please call my service provider as listed on this card.

Although there is no link between mental retardation and criminal behavior, there is a greater likelihood that someone with mental retardation will be caught if involved in criminal activity. They often do not fully understand their rights and are likely to waive them, they are likely to give answers they believe the police want to hear rather than an accurate account of what really happened, and they are less able to help prepare their own defense. Teach right from wrong using real life examples and language the students can clearly understand. Don't assume students already know this information even though some of it might seem like common sense. Examples to include in teaching should include:

Actions that are against the law (illegal) or might bring you into contact with the police:

- Taking things from a store without paying for them.
- Writing checks when you don't have enough money in the bank to cover them.
- Not paying your rent or other bills
- Playing loud music late at night in your apartment or house
- Going into someone's house or apartment without their permission.
- Having sex, touching private areas on another person's body, or making intimate contact with someone when they say no, when they don't understand what is happening.
- Making prank phone calls.
- Leaving a restaurant without paying your bill.
- Drinking or buying alcohol when under the age of 21, or purchasing alcohol for a minor.
- Requiring people to pay you for sex.
- Smoking or buying cigarettes when under the age of 18.
- Calling 911 when there is not an emergency.
- Exposing private body parts in public or to someone in private when they have asked you not to do it.

What will happen if you are stopped by the police?

- The police will ask who you are and may want to know where you are going or where you have been.
- Tell the police your name or give them your ID card.
- Don't run away. Stay calm.
- Let the police know if you need help or do not understand.

What will happen if you are arrested?

- The police may put your hands behind your back and place handcuffs on your wrists.
- You will be told about your rights. Tell the police if you don't understand.
- You will be taken in a police car to the police station.
- If you are placed in jail, you may be searched again, your picture is taken, and you will be fingerprinted.
- All your personal belongings (such as watch, wallet, money, jewelry) will be taken and put in a safe place. You will get these items back when you are released.
- You will be allowed to make one phone call. Call a parent, support person, or friend who can help you.
- You can ask for a lawyer. Let your lawyer know you have a disability.
- Sometimes bail money can be used so you won't have to stay in jail.
- Tell the police and your lawyer the truth.

What will happen if you go to court?

- You or your lawyer will talk to a judge about the crime.
- The judge, or sometimes a group of people called a jury, will decide if you did the crime.
- If they say you did not do the crime, you will be free to go home. If they think you are guilty you will be punished. You might have to pay money, go to jail, or attend counseling or therapy.

For individuals whose behavior places them at risk of becoming involved with situations that conflict with the law, a component called an Individual Justice Plan (IJP) may be included in their support plan. The purpose of the IJP is to facilitate communication between the disabilities and criminal justice systems and outline recommended support and consequences for the person with disabilities.

Summary

Find out specifically how the criminal justice system in your community functions. Invite a police officer, judge, prosecutor, or other professional to visit with your students to share information and answer questions. Establish a positive working relationship now, instead of waiting to make the first contact with law enforcement when a crisis occurs. Explore curriculum or other resources on sexuality and abuse issues to find a good match for the needs of your students. For more information on the Disability Justice Initiative project contact Kari Arrayan, NDCPD, at 1-800-233-1737 or kari.arrayan@minotstateu.edu.