Legislative Options to Reform Laws for People with I/DD Caught Up in the Criminal Justice System

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Background

• Our personal stories

• LRIDD Mission

• Need for change
  • Existing laws are one size fits all
  • Limited differentiation between Mental Illness and Developmental Disability

“Life is 10% what happens to you and 90% how you react to it.”
- Charles R. Swindoll
Legislation Change

- Criminal justice reform movement
- Take into account Intellectual /Developmental Disabilities
  - ADA Compliance
- How are laws written?
  - Lobbyists
  - Advocates: **YOU**
    - **YOUR** Compelling and heart-breaking STORIES.
    - **It's not just how business is done; it's personal**

"It always seems impossible until it's done".
-Nelson Mandela
LRIDD Legislation Objectives

1. **Prevention:** Prevent involvement in the criminal justice system
   a. Education for people with I/DD
   b. Education for people in the criminal justice system

2. **Intervention:** Intervene early in the legal process
   a. De-escalation
   b. ADA compliance

3. **Diversion:** If people fall through the cracks on the above.
   a. Court
      Diversion instead of Incarceration
   b. I/DD policies for courts, prison systems and parole
   c. Second chances for those in the system

"Perfection is not attainable, but if we chase perfection, we can catch excellence."
-Vince Lombardi
Step 1: Your Story

• Creating your story
  • Write it down 2-3 pages, double spaced
  • Keep it short: you will only have 10-15 minutes to tell your story
  • Be compelling: DON’T be afraid to SHOW emotion
  • Key points:
    • Why are you here to tell your story?
    • Chronological order of what happened.
    • What do you want from your legislator?

“Storytelling is the most powerful way to put ideas into the world.”
– Robert McKee
1. Find your local state senator *(NOT your U.S. Senator)* and delegate *(NOT your U.S. Congressman/Congresswoman)* [https://openstates.org/find_your_legislator/](https://openstates.org/find_your_legislator/)

2. Find legislators that support other disability organizations
   - Your state Arc [https://thearc.org/find-a-chapter/](https://thearc.org/find-a-chapter/)

3. Attend legislator’s public meetings/town halls (look on your legislator’s web site)

4. Call their office. Keep it brief: “your 3-minute elevator speech”

5. Email: This is the last resort.

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“Treat them like they are ordinary people who will listen to your respectful tone, personal story, specific request, and desire for an ongoing relationship.” - Kara Joy McKee
Step 3: Building your support

- Partner with other parents in your state (other LRIDD families)
- Meet with your state and local Arc to tell your story
- Meet with your state and local autism or other disability groups tell your story
- Tell your story, tell your story, tell your story. Then, tell your story.

"People who work together will win, whether it be against complex football defenses, or the problems of modern society." -Vince Lombardi
Step 4: Legislation

- Start Early!
- Either the legislator’s team (chief of staff or legislative staff) will write the bill...
  ...Or...
- Use the legislation that has already passed in Virginia as a framework
- Any legislation that discusses Mental Illness, should include the words “or intellectual and developmental disabilities”

“You don’t have to reinvent the wheel, just attach it to a new wagon.”
- Mark McCormack
Step 4 (continued): Legislation advocacy

1. Get a copy of the bill and track it on the Legislation web page
2. Find out what sub-committee the “Chief Patron” will introduce the bill to
   1. Meet with each committee member at least 1-2 days prior to the committee meeting.
3. Speak at every sub-committee and full committee meeting
   a. Usually you get 3 minutes to speak.
      1. Take you story from three pages to two paragraphs. (That’s ¾ page, double spaced).
      2. Now's the best time to show emotion when you speak.
   b. Get other families or other organizations to speak to support your bill

"The squeaky wheel gets the grease"
Josh Billings
Legislation Success in Virginia

• Partnership
  • Local and state Arc and LRIDD families
    • Arc of Northern VA and Arc of Harrisonburg/Rockingham
    • Arc of VA
  • Town hall meetings with legislators
  • The Arc and LRIDD family visits with legislators

• Gaining momentum
  • Multiple fronts: Families and The Arc, Autism Society

• Bipartisan support
  • Our bills were introduced by Republicans and Democrats
    • Three laws we introduced and passed unanimously.

“Expect the best. Prepare for the worst. Capitalize on what comes”.
-Zig Ziglar
Conclusion

• Yes you can make a change
• Laws are made by advocates like you
• Most important:
  1. YOUR STORY!
  2. YOUR STORY!!
  3. YOUR STORY!!!

“No matter what you do, your job is to tell your story”

-Gary Vaynerchuk
References and background information

CONTACT INFORMATION:
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LRIDD affiliated legislation

• Virginia Bills passed into law July 2020
    ▪ Creates a work group to look at revising policies concerning people with Intellectual and developmental disabilities in the prison systems.
  ▪ SB 186/ HB 134 [https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0170](https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0170)
    ▪ This bill ensures that children with I/DD get sexual health education as part of their Individual learning plans (IEP's) from K-12 at developmentally age appropriate education. This is to help minimize and prevent future children getting caught up in the criminal justice system.
  ▪ SB 133 [https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1004](https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1004)
    ▪ Deferred disposition in a criminal case; persons with autism or intellectual disabilities. It gives the judge options to defer the case/diversion where the disabilities played a role in the situation.
  ▪ Legislation in work special legislation session (Currently in session)

• Illinois legislation
    ▪ Task Force on I/DD in the criminal Justice system
Defining Mental Health Terms

- **Developmental Disability (DD)** – an umbrella term that can include people with ID, but IQ may not be affected.

- **Intellectual Disability (ID)** – must meet 3 criteria of those listed in the DSM-5, including IQ below 70-75 range. If someone has an ID, their IQ is always affected.

- **Mental illness** – is NOT considered to be DD or an ID,
  - A mental health condition that can be treated with appropriate drugs.
  - Many people have dual diagnosis (both a mental illness and an I/DD)
Developmental Disabilities vs Mental Illness

Developmental Disabilities
- Before age 22
- Significant lifetime impairment
- May include intellectual deficit
- YOU ARE BORN WITH IT AND CANNOT BE CURED

Mental Illness
- Onset at any age
- Typically no intellectual deficit
- Difficulties in regulating mood and thought
- CAN BE TREATED OR CURED

We are focused on Intellectual and Development Disabilities
Intellectual and Developmental Disabilities

Who has ID?

- **Intellectual Disability**: 2-3% of the population
- **Down Syndrome**: A majority
- **Fragile X Syndrome**: 80% of boys, 33% of girls
- **Cerebral Palsy**: 50-75%
- **Autism Spectrum Disorders**: 40%
  1 in 68 people
- **Epilepsy**: 25.5%
- **Fetal Alcohol Spectrum Disorders**: 35%

**According to the CDC:**

- 15% of American Children have ID/DD
- 1/54 have Autism.

**Achieve with us:**

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Autism Spectrum Disorder

- A mental condition, present from early childhood, characterized by difficulty in communicating and forming relationships with other people and in using language and abstract concepts.

- Adaptive functioning: why it is morally wrong to treat them as criminals
  - What is considered appropriate public and private behavior in our society and culture. Allow us to learn the rules so that we can conform our behavior to these norms.
  - Does not pick up the vital visual cues. So does not learn how to respond, these start at birth.
  - They look at the mouth but don’t see the eyes or emotions or social ques. The eyes are the key to the soul.
  - “Mind Blindness”.

- Hidden ques
  - Understand the first level but dig down to the next level and no comprehension of the meaning.
  - Coping mechanism to hide their disabilities

- Sensory overload. The brain acts like a computer. Too many programs open, it crashes
Developmental disabilities protected under the ADA

Title II of the Americans with Disabilities Act, 42 USC 12131-12134, and its implementing regulations 28 CFR

• Title II of ADA prohibits discrimination by state and local governments and impacts virtually everything in the criminal Justice system

• ADA urges officers to identify disability and respond appropriately

• More lenient treatment is not requested, but effective accommodations

• “Developed non-discriminatory eligibility criteria for diversion programs such as community services, specialty courts, or probation programs.”

• “Developed non-discriminatory eligibility criteria for early release, parole, or other re-entry programs”