



Law Enforcement Response to People with Developmental Disabilities: Steps for Deflection or Pre-Arrest Diversion

Law enforcement officers interact with a wide range of people in the community, including those with developmental disabilities. A developmental disability is defined as a physical and/or mental impairment that begins before age 22, is likely to continue indefinitely, and results in substantial functional limitations in at least three of the following areas: self-care (dressing, bathing, eating, and other daily tasks); walking/moving around; self-direction; independent living; economic self-sufficiency; and language.¹ Examples of developmental disabilities include autism, traumatic brain injury experienced before the age of 22, cerebral palsy, Down syndrome, fetal alcohol spectrum disorder, intellectual disability, and spina bifida. Developmental disabilities may not be readily visible or easily recognizable.

People with developmental disabilities often come into contact with the criminal justice system, as either victims of crime² or people incarcerated in jail or prison.³ The need for effective community-based crisis responses specific to people with developmental disabilities is well established.⁴

People with developmental disabilities often cannot access quality community-based services, which may contribute to a heightened risk of becoming involved in the criminal justice system.⁵ Additional research is needed on the extent and nature of interactions between law enforcement and people with developmental disabilities, including how deflection or pre-arrest diversion response strategies may be most effective when an individual with a developmental disability comes into contact with law enforcement.⁶

Deflection occurs when law enforcement officers and other first responders (e.g., fire, EMS) connect people to community-based behavioral health treatment/services and developmental disability services when an arrest would not have been necessary, or permitted, or instead of taking no action.⁷

Pre-arrest diversion occurs when law enforcement officers connect people to community-based treatment and services instead of an arrest when they would have otherwise been criminally charged, diverting them from the criminal justice system.⁸

This document should be considered in conjunction with the Academic Training Initiative's resources [Mental Health Conditions & Developmental Disabilities: Why Know the Difference](#) and [Developmental Disabilities: What Law Enforcement Officers Need to Know](#).

This resource provides insights into the developmental disability community, offers suggestions for successful interactions, and outlines options for safe and effective deflection and pre-arrest diversion when people with developmental disabilities encounter law enforcement and may be experiencing a crisis or are otherwise in need of services.

Applying these strategies can increase an officer's ability to problem solve. Effective engagement between law enforcement and those with developmental disabilities relies on the expertise of officers to adapt to a given situation and communicate effectively. Deflection or pre-arrest diversion may be viable options for certain situations when officers are able to:

1. Identify characteristics of a developmental disability in individuals;
2. Use an informed approach (see tips for officer response) with an individual who discloses a developmental disability or who appears to have a developmental disability;
3. Facilitate **accommodations** enabling individuals with developmental disabilities to communicate effectively; and/or
4. Refer individuals with developmental disabilities to agencies and programs that can provide appropriate assistance and support.

An **accommodation** is a modification or adjustment that is made when interacting with people with disabilities that improves access to services, such as policing services (see pg. four for examples).

The Developmental Disability Community: Core Values and Tips for Response

Law enforcement agencies have service, respect, and fairness as core values. Likewise, the developmental disability community has core values and expectations for behavior, service, and treatment. The developmental disability community includes people with developmental disabilities and their supporters (such as family members and friends), professional or volunteer advocates who work at developmental disability advocacy organizations, and professionals who provide direct services or support to people with developmental disabilities. Awareness of the developmental disability community's core values may increase officers' effectiveness when interacting with people in the community. It can also build mutual respect between law enforcement and the developmental disability community. Mutual respect can improve officer safety, as well as outcomes for all community members.

INCLUSION: "NOTHING ABOUT US WITHOUT US"

Why It's Important:

The motto "Nothing About Us Without Us" is used in the disability community, including the developmental disability community, to promote full representation, participation, and equalization of opportunities for, by, and with people with disabilities. This philosophy can be summed up as follows: *Any decision or policy-making process should include the participation and input of those impacted by those decisions and policies, including individuals with developmental disabilities.*

Tips for Agencies:

- Include people with developmental disabilities by asking them to provide input on training, procedures,

policies, or policing practices in the community.

- Invite people with developmental disabilities to be co-trainers and roleplay facilitators alongside law enforcement during training.
- Create opportunities for the disability community and law enforcement to interact.
 - Law enforcement agencies that host events such as [Coffee with a Cop](#) or [National Night Out](#) have enabled people in the community, including those with developmental disabilities, to participate fully. It is important to provide accommodations to ensure these events are accessible to people with developmental disabilities and their families.
 - Consider contacting your local developmental disability advocacy organizations to ask for their input and to find out what accommodations may be most helpful.
- Consider using social media to increase engagement with the disability community.
- Look for opportunities to interact with people with developmental disabilities in the community in a non-enforcement manner.
 - Consider visiting day programs, group homes, or [state or local chapters of The Arc](#), to show support for and engage with the disability community. Collectively, these interactions can provide law enforcement firsthand knowledge of developmental disabilities based on people with lived experiences.

ACCESSIBILITY & ACCOMMODATIONS

Why It's Important:

Law enforcement officers can facilitate successful communication with every community member by using accommodations for those with disabilities as needed and required by the Americans with Disabilities Act (ADA). A key part of the ADA is ensuring individuals with disabilities, including those with developmental disabilities, receive services as needed in the community.⁹ Successful communication is essential to problem-solving, and training for law enforcement should emphasize this critical part of community engagement.

Accessibility ensures people with developmental disabilities are fully included within a community. While physical access to buildings and services is important, it is equally important to ensure that communication is effective with individuals who communicate differently. Accommodations can be as simple as spending additional time communicating, using technology to assist with communication, and using the “Tips for Officer Response” below. The more police provide accessible services to people with developmental disabilities, the greater the likelihood of clear communication and positive outcomes during encounters.

Tips for Officer Response:

- Provide an accommodation such as speaking slowly; varying the strength, tone, or pitch of one's voice, and using [plain language](#) when speaking and in written communication.
- Ask additional, open-ended questions instead of yes/no questions because people with developmental disabilities may indicate they understand when they do not.
- Review other practical examples of how the ADA has been used to protect the rights of people with developmental disabilities “[Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act.](#)”

SUPPORTED DECISION-MAKING

Why It's Important:

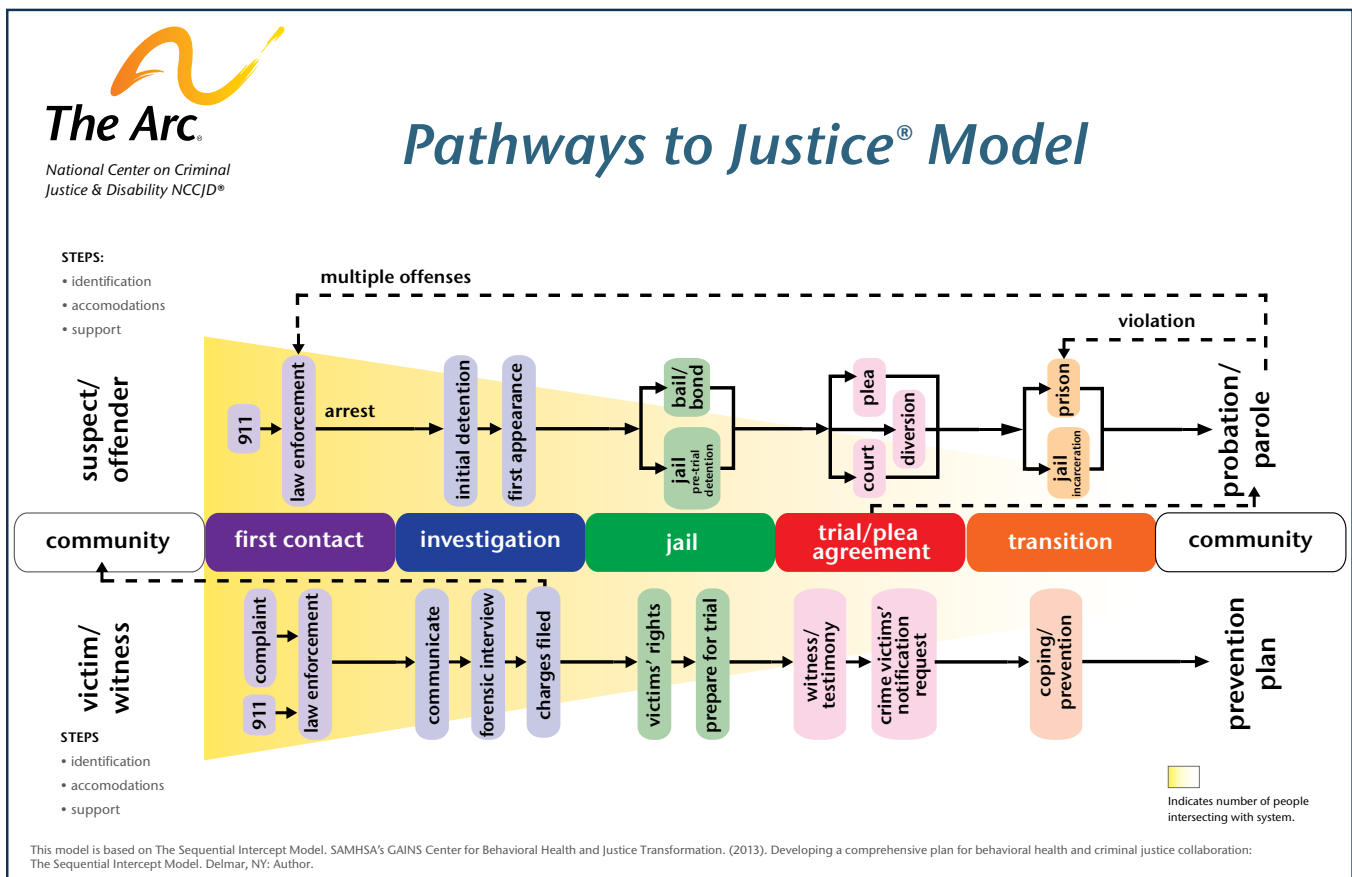
Supported decision-making is a strategy for people with disabilities to empower and enhance individual decision-making. People using supported decision-making often select trusted advisors, such as friends, family members, or professionals, to serve as supporters. Supporters help the person with a disability understand and analyze information, and effectively communicate informed decisions. Supported decision-making can provide a legal alternative to guardianship and has been created by statute in some states.¹⁰ To learn more about supported decision-making, visit the [National Resource Center for Supported Decision-Making](#).

Tips for Officer Response:

- Ask if the person has a support person available who can help them communicate and understand what is going on.
 - A support person can help someone with developmental disabilities communicate during interactions with law enforcement.
 - The presence of a support person may lead to enhanced communication with law enforcement and provide connections to needed support.

Pathways to Justice: A Model to Support Diversion

The Arc's [National Center on Criminal Justice and Disability](#) created the [Pathways to Justice](#) Model, presented below, which is a planning tool that law enforcement and community partners can use to



consider diversion opportunities. It is based on the [Sequential Intercept Model](#) (SIM) and identifies needed accommodations and gaps in services in the criminal justice system for people with developmental disabilities, particularly if there is no allegation of criminal wrongdoing or if an individual with a developmental disability is not being charged with a crime. The model is used to consider deflection or pre-arrest diversion options for law enforcement when interacting with individuals with developmental disabilities.

FOUR STEPS TO SUPPORT DEFLECTION AND PRE-ARREST DIVERSION

There are four key steps officers can take to support deflection and pre-arrest diversion of people with developmental disabilities: (1) Identification, (2) Communication, (3) Accommodation, and (4) Support—adapted from the stages of the Pathways to Justice Model.

Step One: Identification

Are you able to identify if a person may have a developmental disability?

Identifying whether a person may have a developmental disability is important for recognizing opportunities for deflection or pre-arrest diversion. To assist with the identification of individuals with developmental disabilities, officers should:

- Become familiar with the characteristics and behaviors sometimes exhibited by people with developmental disabilities;
- Consider whether a person is exhibiting characteristics of developmental disabilities and whether this may be influencing their behavior; and
- Ask open-ended questions, when possible, during interactions that may reveal a potential developmental disability, such as:
 - **Do you have any identification, like a driver's license or an ID?** Some states identify specific populations on driver's licenses, such as veterans or people with disabilities. Some individuals with disabilities wear medical ID bracelets/necklaces or carry informational cards to disclose a disability, as needed.
 - **Where do you live?** Individuals may live alone, at home with their family, in a group home, or in an assisted living facility.
 - **Do you need any help or accommodations? How can I help you?** Asking this question may reveal the presence of a developmental disability.

Step Two: Communication

Are you able to effectively communicate with the person?

People with developmental disabilities may need accommodations to communicate effectively. People with developmental disabilities may display behavior that is uncommon, appears non-compliant, or is viewed as threatening to an officer, even when there is no intent to cause physical harm or engage in criminal activity. Officers may view these behaviors, responses, or lack of a response, as resistance. For example, a person with developmental disabilities may be unresponsive to verbal commands or act out physically, including touching the officer, or runs away from an officer, due to being in an unfamiliar situation or by not recognizing social boundaries. People with developmental disabilities sometimes interact by communicating without speaking verbally.

Examples of Accommodations for Individuals with Developmental Disabilities

Assist Communication Efforts

- Give the person space and time to calm down if there is no danger of self-harm, harm to others, or harm to officers. This allows officers to maintain a calm atmosphere while building rapport with an individual who may be unable to orally communicate quickly or effectively.
- Speak slowly and clearly.
- Use plain language in written and verbal communication, such as shorter sentences, common words, pictures, and symbols. Avoid jargon.
- Take time to listen and provide information. To check for understanding, ask them to repeat what was said using their own words.
- Use active listening skills and a calm tone of voice when responding. People with developmental disabilities may not provide typical listening confirmation, such as nodding or eye contact.
- Ask open-ended questions that don't suggest the answer.
- Avoid yes/no questions as people with developmental disabilities may respond quickly without fully understanding what is being asked.
- Ask additional questions, if needed, and give the individual plenty of time to respond.
- Ask what they need to help them communicate or feel safe (e.g., using assistive devices or technology) and, to the extent possible, meet that need.
- Reduce distractions, when possible, by moving to a quiet location, having one person speak at a time, and lowering the volume of the police radio, when able.
- Turn off sirens or patrol lights for people who appear to be highly sensitive, to help them feel calm and less anxious or agitated.

Seek Supporters and Other Resources

- Ask the individual if there is a supporter(s) (such as family members, caregivers, or disability professionals) to provide information about the person, to help with communication and the provision of accommodations, and to help them understand any documents they are asked to sign.
- Check with the individual's supporter(s) to find out if there is a support plan in place. Based on information from this plan, officers can connect people to behavioral health and other services. Support plans emphasize the use of least restrictive community-based alternatives to incarceration as early as possible in the criminal justice process.
- Leverage agency or community resources to better engage with the individual, such as requesting a crisis response-trained officer or school resource officer to assist.
- If circumstances and time permit, seek out experts who have experience working with this population when interviewing potential or known victims, witnesses, or suspects with developmental disabilities.

Step Three: Accommodation

Do you know what accommodations the person needs and how to offer them?

Federal law requires reasonable accommodations be provided to individuals with developmental disabilities. Providing accommodations for people with disabilities makes clear they are valued members

of a community and ensures fair access to community-based services. Similar to requesting an officer who speaks a specific language to provide translation when needed, an officer who has specialized training working with people with disabilities (e.g., [Crisis Response and Intervention Training](#), [Pathways to Justice](#)) can be called to the scene to assist with communication. Agencies can also reach out to [The Arc's National Center on Criminal Justice and Disability® \(NCCJD®\)](#) or local disability partners to identify training opportunities.

For more information on how to provide accommodations, see the International Association of Chiefs of Police's [policy resources on law enforcement interactions with people with intellectual and developmental disabilities](#).

Step Four: Support

Do you know who to reach out to in the developmental disability community? Who can you call for guidance, education, and information about what is happening in the disability community? Who can take a referral to help someone with a disability in need of services?

To help create safer communities, a culture of shared responsibility for public safety and disability awareness is essential. Deflection and pre-arrest diversion are crucial and law enforcement must be able to rely on other community supports to maintain healthy and safe communities. Support and collaboration are needed from the developmental disability community and the criminal justice community to effectively address disability-related issues. Creating and maintaining operational collaborations with local developmental disability agencies can enhance law enforcement's ability to serve the community.

To ensure officers are aware of and have access to developmental disability services, law enforcement agencies can consider:

- Creating and maintaining a list or resource map of community-based agencies, services, and contacts for referral when encountering people with developmental disabilities. This list should be readily available to officers, shared during training, and kept up to date.
- Reviewing, revising, or creating written policies related to people with developmental disabilities, including use of force, de-escalation, and other similar topics to guide an officer's response to this population. See the International Association of Chiefs of Police's policy resources on "[Interactions with Individuals with Developmental Disabilities](#)."
- Creating or joining stakeholder groups made up of individuals from the developmental disability and criminal justice communities to foster stronger connections and opportunities for collaboration. For example, agencies might participate as part of a [multi-disciplinary effort](#) that provides training on developmental disabilities and creates action plans to address developmental disability-specific issues in the criminal justice system. Initial training and ongoing collaboration can increase the potential for deflection and pre-arrest diversion.

Where to Find Developmental Disability Services & Supports

The disability service system includes a broad range of agencies that can be difficult to navigate when assisting people with developmental disabilities who may also have other types of disabilities. People with disabilities often receive several different types of services, including housing, education, employment, medical, behavioral health, and other critical supports. Disability services or programs have different eligibility requirements and often exist in silos apart from other service systems, further complicating the process of accessing support. For a more in-depth description of disability resources to help in navigating

the system, view the [“Overview of the Disability Services System”](#) online training. Additional materials and a list of [community-based services organized by type of disability](#) is available [here](#).

When locating services and supports in the community, it is helpful to reach out to organizations that work closely with people with developmental disabilities. Below is a list of developmental disability-related agencies that may be available in local communities. It is helpful to establish contacts with local agencies in advance so that relationships are established prior to officers encountering people with developmental disabilities. Partnerships build understanding. Understanding builds trust. Trust builds cooperation. Cooperation increases officer and community safety.

FEDERAL, STATE, & LOCAL GOVERNMENT AGENCIES

National Association of State Directors of Developmental Disability Services (NASDDDS)

NASDDDS represents the nation's agencies in 50 states and the District of Columbia by providing services to children and adults with developmental disabilities and their families. The association's goal is to promote and assist state agencies in developing effective, efficient service delivery systems that furnish high-quality support to people with developmental disabilities. The site provides a [map of developmental disability agencies throughout the country](#).

Developmental Disability Councils

There are 56 Councils on Developmental Disabilities (DD Councils) across the United States and its territories. The DD Councils receive federal funding to support programs that promote self-determination, integration, and inclusion for all people in the U.S. with developmental disabilities.

Centers for Independent Living (also referred to as “CILs”)

Designed and operated by individuals with disabilities, Centers for Independent Living (CILs) provide independent living services for people with all types of disabilities. CILs work to support community living and independence for people with disabilities across the nation. These programs provide tools, resources, and support for integrating people with disabilities fully into their communities to promote equal opportunities, self-determination, and respect.

Disability Rights or “Protection & Advocacy” (P&A) Agencies

P&As work to improve the lives of people with disabilities by guarding against abuse, advocating for basic rights, and ensuring access and accountability in health care, education, employment, housing, transportation, voting, and within the juvenile and criminal justice systems. They are the only legally-based advocacy organization established by Congress to protect the rights of all individuals with disabilities. As part of that mandate, their network includes agencies in every state and U.S. territory, working to provide legal protection and advocacy services for people with disabilities. See a [state-by-state list of P&As here](#).

NON-PROFIT & ACADEMIC ORGANIZATIONS

The Arc

The Arc is the largest national community-based organization advocating for and serving people with developmental disabilities and their families. The Arc has nearly 600 state and local chapters and provides education to criminal justice professionals about developmental disabilities through its [National Center on Criminal Justice and Disability](#).

The Autism Society

The Autism Society provides information and referral services assisting individuals in finding education assistance, recreational and social activities, support groups, and other autism-related programs and services. It offers a supportive place where individuals on the spectrum, their families, or others affected by autism can find help and guidance.

National Down Syndrome Society (NDSS)

NDSS has more than 375 local affiliates that provide an array of benefits to help better serve the Down syndrome community in their local area.

FASD United

FASD United is the leading voice and resource of the Fetal Alcohol Spectrum Disorders (FASD) community and is the only national non-profit organization committed solely to the prevention of prenatal exposure to alcohol, drugs, and other substances known to harm fetal development. FASD United supports individuals, families, and communities living with FASDs and other preventable developmental disabilities.

Self Advocates Becoming Empowered (SABE)

SABE is the United States' national self-advocacy organization comprised of a national board of regional representatives and members from every state in the U.S. Local self-advocacy groups often meet with and are supported by disability agencies in the community.

The Association of University Centers on Disabilities (AUCD) AUCD is a membership organization that supports and promotes a national network of university-based interdisciplinary programs that includes 67 University Centers for Excellence in Developmental Disabilities (UCEDD), 52 Leadership Education in Neurodevelopmental Disabilities (LEND), and [14 Intellectual and Developmental Disability Research Centers \(IDDRC\)](#).

LOCAL SERVICES AND CRISIS SERVICES

Consider calling a local referral or crisis line (like 211 or 988), if available, or a local chapter of The Arc for a number to the local developmental disability authority, or search “developmental disability services in my area” online.

On July 16, 2022, the U.S. transitioned to the use of [988](#) to connect people experiencing behavioral health-related distress or crisis to the existing National Suicide Prevention Lifeline (Lifeline) to provide support. 988 was established to expand the Lifeline and to improve access to crisis care services across the country. Callers are routed to their local Lifeline network crisis center (if available) based on their area code or to a national call center. A trained crisis counselor listens to the caller, provides support, and shares resources as needed. While there are opportunities for 988 to provide services to people with developmental disabilities, it is currently unknown what resources 988 will provide to support people with developmental disabilities. For more information about how 988 can help people with developmental disabilities, see [A New Opportunity to Help People with Disabilities in Crisis](#).

Endnotes

- 1 Developmental Disabilities Assistance and Bill of Rights Act of 2000,” Pub. L. 106-402, 114 Stat. 1683 § 102. https://acl.gov/sites/default/files/about-acl/2016-12/dd_act_2000.pdf.
- 2 Erika Harrell, November 2021, *Crime Against Persons with Disabilities, 2009-2019 – Statistical Tables*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 301367, <https://bjs.ojp.gov/content/pub/pdf/capd0919st.pdf>.
- 3 Laura M. Maruschak, and Jennifer Bronson, March 2021, *Disabilities Reported by Prisoners*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 252642, <https://bjs.ojp.gov/content/pub/pdf/drpspi16st.pdf>.
- 4 Yona Lunskey, Johanna K. Lake, Janet Durbin, Andrea Perry, Heather Bullock, Susan Morris, and Jacques S. Lee, 2014, “Understanding and Improving Care for Individuals with Intellectual and Developmental Disabilities in the Emergency Department,” *International Review of Research in Developmental Disabilities* 47: 1–37.
- 5 Office of Policy, Planning, and Innovation, 2019, *Substance Abuse and Mental Health Services Administration: Principles of Community-Based Behavioral Health Services for Justice-involved Individuals: A Research-based Guide*, Rockville, MD: U.S. Department of Health & Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), HHS Publication No. SMA19-5097.
- 6 Amy C. Watson, Michael T. Compton, and Leah G. Pope, 2019, *Crisis Response Services for People with Mental Illnesses or Intellectual and Developmental Disabilities: A Review of the Literature on Police-based and Other First Response Models*, New York, NY: Vera Institute of Justice.
- 7 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance’s Comprehensive Opioid, Stimulant, and Substance Abuse Program, *Report of the National Survey to Assess First Responder Deflection Programs in Response to the Opioid Crisis: Final Report*, NORC at the University of Chicago, and Center for Health & Justice at TASC, NCJ 300955, (Washington, DC: U.S., May 13, 2021), p. 8, https://www.cossapresources.org/Content/Documents/Articles/CHJ-TASC_Nation_Survey_Report.pdf
- 8 Ibid
- 9 Office for Civil Rights (OCR), June 28, 2018 [Last Reviewed], “Serving People with Disabilities in the Most Integrated Setting: Community Living and Olmstead,” <https://www.hhs.gov/civil-rights/for-individuals/special-topics/community-living-and-olmstead/index.html>.
- 10 “FAQS about Supported Decision-Making,” American Civil Liberties Union. Accessed March 23, 2022, <https://www.aclu.org/other/faqs-about-supported-decision-making>.

ABOUT

ACADEMIC TRAINING TO INFORM POLICE RESPONSES

The Academic Training to Inform Police Responses is a national initiative designed to (1) raise awareness in the policing community about the nature and needs of people with behavioral health (BH) conditions and intellectual and developmental disabilities (IDD); (2) provide training and resources on BH, IDD, and crisis response; and (3) support the use of evidence-informed, best practices in these responses. Supported by the Bureau of Justice Assistance, researchers from the University of Cincinnati – in collaboration with Policy Research Associates, The Arc of the United States' National Center on Criminal Justice and Disability, the International Association of Chiefs of Police, and the National Policing Institute – work to assist police agencies in the development and delivery of multi-layered responses to people with BH conditions and IDD.

For more information see:

Academic Training Initiative

<https://www.informedpoliceresponses.com/>



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