



# DEVELOPMENTAL DISABILITIES: What Law Enforcement Officers Need to Know

People with disabilities are victimized almost four times more frequently than persons without disabilities.<sup>1</sup> People with cognitive disabilities, which include developmental disabilities (DD), face the highest risk of victimization. Estimates suggest that one in four individuals in prison report having a cognitive disability,<sup>2</sup> and almost a quarter of individuals in state and federal prisons report participating in special education classes.<sup>3</sup> Similar to mental health conditions, developmental disabilities can go undetected in individuals who come into contact with the criminal justice system.<sup>4</sup> As first responders, law enforcement officers can benefit from being trained to recognize people with DD and knowing appropriate alternatives to physical custody. Understanding how to interact with and accommodate people with DD can enhance the safety and effectiveness of encounters for all.

## Examples of Law Enforcement Encounters with People with Developmental Disabilities

Many people with DD function at a level that requires some degree of support or services from the community. People with DD live in the community and may come into contact with law enforcement. Reasons for encounters may include the following:



### **Reports of suspicious or out-of-the-ordinary behavior**

People with DD may display socially inappropriate behavior or look suspicious to others. For example, people with DD may move into the personal space of others, “soothe through stimming” (relieving stress through self-stimulating behaviors such as hand-flapping, rocking, spinning, or repeating words or phrases), or inappropriately touch themselves or others in public. Suspicious behaviors that prompt calls for service may include picking up items in stores (perceived as shoplifting), repetitive motions or actions in public places, inappropriate laughing or crying, or putting themselves in danger.



### **Disturbances**

People with DD may react to a situation or event differently than those without a disability. Disturbances may occur when a caregiver cannot de-escalate a situation. For example, someone with a disability may try to communicate or process emotions by engaging in destructive or self-injurious behavior. In these situations, calls to law enforcement may be interpreted as a domestic dispute or public disturbance.



### **Wandering**

People with DD, particularly autism, sometimes wander from their caregivers or places of residence. They may be found roaming or engaged in repetitive or suspicious behavior in public places. For example, people with autism are often attracted to bodies of water, such as lakes or pools, making it essential to check such sites when a person with autism is reported as missing.<sup>5</sup>



### **Being used by others to unknowingly carry out criminal activity**

People with DD may be used by others to carry out criminal activity without knowing that they are being used. It is not uncommon for people with DD to eagerly assist “friends” who persuade them to participate in activities they may not know are against the law. The need for acceptance and connection to other people can make individuals with DD more vulnerable in these interactions.

1 Harrell, E. (2021). *Crime against persons with disabilities, 2009–2019 – Statistical Tables*. The Bureau of Justice Statistics of the U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/capd0919st.pdf>

2 Maruschak, L., Bronson, J., & Alper, M. (2021). *Survey of prison inmates, 2016 Disabilities Reported by Prisoners*. The Bureau of Justice Statistics of the U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/drpspi16st.pdf>

3 Bronson, J., Maruschak, L. M., & Berzofsky, M. (2015). *Disabilities Among Prison and Jail Inmates, 2011–12*. The Bureau of Justice Statistics of the U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/dpji1112.pdf>

4 For example, see Eisner, C. (2020). *Prison is even worse when you have a disability like autism*. The Marshall Project. <https://www.themarshallproject.org/2020/11/02/prison-is-even-worse-when-you-have-a-disability-like-autism>

5 National Institute of Neurological Disorders and Stroke (2019). *Autism Spectrum Disorder information page. What research is being done?* <https://www.ninds.nih.gov/Disorders/All-Disorders/Autism-Spectrum-Disorder-Information-Page>

## How Can Understanding More about Disabilities Lead to Safe and Effective Interactions?

Being aware of typical behaviors of individuals with DD can inform officers' responses to these individuals and enhance the safety of their encounters. The more an officer knows about someone's disability, the more effective the officer can be in the situation, especially when it requires de-escalation. The table below provides some examples of the behaviors that could be exhibited and recommended responses if an officer knows or suspects an individual may have DD.

Possible Behavior of Person with DD	Recommended Response
<i>Does not seem to understand why an officer is talking to them</i>	Speak calmly, using short, direct phrases. Ask what the individual needs to aid in communication. If appropriate, ask the individual if they would like you to call a support person such as a family member, caretaker, close friend, or a disability advocate. Support persons can be a valuable resource to officers and may be able to provide advice on communicating with, calming, and ensuring the safety of the individual.
<i>Runs away from an officer</i>	Consider why the person is running and if that behavior is a coping mechanism for fear or confusion (e.g., fight or flight response). Consider risks to the individual, officers, and the community when deciding whether or not to pursue the individual. If contact is made, try to decrease fear by making a personal connection. For example, ask the individual about their favorite sports team, animal or pet, or hobby. When available, consider advice from any support people familiar with the person who may help with effective communication.
<i>Will not look an officer in the face or make eye contact</i>	For some people with DD, eye contact can feel very intimidating and uncomfortable. When possible, maintain a reasonable distance to provide the individual with a comfort zone while also establishing space to ensure officer safety. Avoid abrupt movements or actions. Instead, use non-threatening body language and soft gestures.
<i>Does not immediately follow commands</i>	Repeat short, direct phrases in a calm voice. When appropriate, give the person time to take in the information. Ask the individual to repeat directions or commands in their own words. Consider whether the individual may have visual, hearing, or other impairments that limit their ability to follow instructions.
<i>Stimming</i>	Stimming refers to self-stimulating behaviors such as hand-flapping, rocking, spinning, or repeating words and phrases. This behavior is often an individual's protective mechanism for dealing with troubling or frightening situations. Stimming helps individuals with self-regulation, and interrupting it can cause an adverse reaction, potentially escalating a situation. If the stimming behavior is not harmful to the individual or others, officers should allow it to continue.
For more examples and recommended responses, see Community Policing Dispatch's <a href="#">Advancing Public Safety for Officers and Individuals with IDD</a> .	

It is essential for officers to know about **Title II of the Americans with Disabilities Act (ADA)**. This federal law protects people with disabilities from discrimination and ensures that they are provided equitable accommodations to participate in local and state government services, including police services. For examples of how police officers can comply with the ADA, see [Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the ADA](#).

## Where Can I Find More Resources on Law Enforcement Response to People with Developmental Disabilities?

- [The Academic Training to Inform Police Responses](#) is creating a national training curriculum and companion resources on behavioral health conditions (i.e., mental health and substance use) and DD.
- [The International Association of Chiefs of Police Law Enforcement Policy Center](#) provides guidelines for law enforcement agencies on appropriately accommodating, interacting, and communicating with individuals with DD.
- [The Arc's National Center on Criminal Justice and Disability](#) offers [Pathways to Justice](#) training for law enforcement, legal professionals, and victim advocates focused on the topic of DD. Law enforcement agencies can also reach out to their [local or state chapter of The Arc](#) to see if they offer training on DD.
- The Bureau of Justice Assistance provides mental health conditions and DD resources through their online [Police-Mental Health Collaboration Toolkit](#).

A companion resource, *Mental Health Conditions & Developmental Disabilities: Why Know the Difference?*, can be found on the [Academic Training website](#).

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