

Crisis Intervention Absences & Incarceration



Interactions With Law Enforcement

- People with Disabilities become involved with Law Enforcement as both victims and suspects/offenders
- Nationally people with disabilities encountered violent crime at nearly three times the rate of those in the general population without a disability.
- While those with intellectual disabilities comprise 2% to 3% of the general population, they represent 4% to 10% of the prison population, with an even greater number of those in juvenile facilities and in jails.

Victims of Crime

- Simple assaults were the most commonly cited crime followed by robbery, aggravated assault and rape or sexual assault
- Among all disabilities included by Bureau of Justice Statistics the rate of serious violent crime doubled across the study period from 2009 to 2012 for persons with cognitive disabilities
- People with Intellectual Disabilities had the highest risk for violent victimization among all disability categories included
- <http://www.bjs.gov/content/pub/pdf/capd0912st.pdf>
- [http://publicsafety.utah.gov/bci/documents/Crime In Utah 2012.pdf](http://publicsafety.utah.gov/bci/documents/Crime%20In%20Utah%202012.pdf)

Suspects/Offender of Crime

- The majority of people with disabilities do not commit crime, however a person does consider:
- Many people with disabilities are bullied, victimized and humiliated because of their disability increasing the desire for approval and acceptance
- People with disabilities can be influenced when people decide to take advantage of them, they may not fully understand the implications of committing a crime
- People with disabilities may also engage in criminal behavior because of poor impulse control, difficulty with long-term thinking, and difficulty handling stressful situations.

Supporting Law Enforcement

- Engaging with Law Enforcement-what officers need from you
 - Communication about the person's specific needs, communication preferences, and event specific detail
 - Provide information about how to keep the person calm including any behavioral patterns, de-escalation strategies, or adaptive equipment.
 - Avoid our common jargon and lingo-just cause we know what we are talking about doesn't necessarily mean an officer will.

Provider & Direct Care Staff

- Assist the person to understand the situation and what is being asked of them
- Assist the officer/detective in obtaining accurate & reliable information
- Inform the officers of any behavioral challenges or antecedents
- Use of provider mobile crisis teams
- Provide basic information about preferences, guardian & especially any medical/medical information upon arrest

Provider's Role After Arrest

- The obvious stuff: Incident reporting requirements, informing the SCE and guardian, follow-up etc.
- Assisting with the person's health & safety needs including any medications during initial Incarceration
- Inform the jail of the person's needs, communication issues, behavioral concerns, and medical needs
- Assist with attorney needs especially helping to education on the person's disability and needs
- Housing issues to consider (rent, housing assistance, HAP payments etc.)
- Payee issues-working with SSA
- Giving notice to terminate provider services

Provider Role upon Release

- The Person may need additional support to re-establish natural supports
- After Care & service coordination with other agencies to allow for treatment when necessary
- May need to address trauma & possible PTSD; needs of the person may increase once released
 - The person may be Hyper-vigilance, suspicious and distrustful of others, and socially withdrawn.
 - Person may show increased aggression and increased dominance

Absences

- The day the person is incarcerated Waiver services must be suspended until the day the person is released
- Medicaid coverage ends once a person is incarcerated
- If a person is incarcerated for more than 30 consecutive days the Division may Dis-enroll a person from Waiver services during the incarceration.
- Waiver services may be reinstated upon release if the person continues to meet eligibility requirements and if release is within one year.
- The Division may transfer the person's USTEPS case to a state support coordinator for longer incarcerations

Incarceration & SSA

- SSI benefits are suspended if an otherwise eligible person is confined in a jail, prison, or other penal institution for more than 30 continuous days even if not convicted.
- After 12 consecutive months a person would have to file a new SSI claim upon release from the institution
- Social Security benefits (SSDI) are **suspended** if an otherwise eligible person is confined in a jail, prison, or other penal institution for more than 30 continuous days due to **conviction** of a crime
- Medicare (Part B) coverage-monthly premiums must be paid or coverage will end. If coverage terminates can only re-enroll during the general enrollment period (January through March of each year).

Other Considerations

- Certain rental/lease agreements stipulations against types of crimes or convictions-housing may need to be arranged before the person is released from custody
- Medicaid/SSA applications and reviews
- Competency restorations & involuntary civil commitments

- We know there are challenges when the people you provide supports to require the assistance of Law Enforcement
- Thank you for all the work & support you provide!