

ICI POLICY FORUM

INSTITUTE *on* COMMUNITY INTEGRATION | UNIVERSITY OF MINNESOTA



OVERREPRESENTATION OF PEOPLE WITH IDD MOVING BETWEEN LARGE STATE-RUN INSTITUTIONS AND THE CRIMINAL LEGAL SYSTEM

Tuesday, February 14, 2023

Discussants: Sheryl Larson, ICI; Celia Feinstein, PA; Mary Sowers, NASDDDS

Facilitator: Julie Bershadsky, ICI

POLICY RESEARCH BRIEF

OVERREPRESENTATION OF PEOPLE WITH IDD MOVING BETWEEN LARGE STATE-RUN INSTITUTIONS AND THE CRIMINAL LEGAL SYSTEM

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Research Issue

People with intellectual and developmental disabilities (IDD) are overrepresented in the criminal legal system. Less than 1% (0.79%) of the U.S. adult population has IDD, but between 2–10% of people in jails, prisons, or awaiting trial have IDD.

Over the past 50 years, about 175,000 people have left large state-run institutions and moved into homes in their communities. Increasingly, many of these people move between institutions and the criminal legal system. In 2019, 17% of those leaving moved into a jail, prison, or other correctional facility. 29% of people moving into large state-run institutions came from correctional facilities.

Study Background

The Residential Information Systems Project at the University of Minnesota has tracked living arrangements for people with IDD who get Medicaid or state funded long-term supports and services since 1977. The annual RISP survey of state IDD agencies asks about types and sizes of the places people with IDD getting supports live. RISP also asks about people admitted to or discharged from large state-run institutions. This Policy Research Brief describes services as of June 30, 2019.

POLICY FORUM

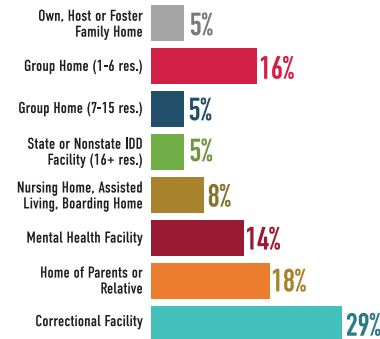


Join us **Tuesday, February 14th, 2023 from 11:30 a.m. to 1:00 p.m. CT on Zoom** for the Policy Forum on this issue of Policy Research Brief. Register here: z.umn.edu/policyforumsignup

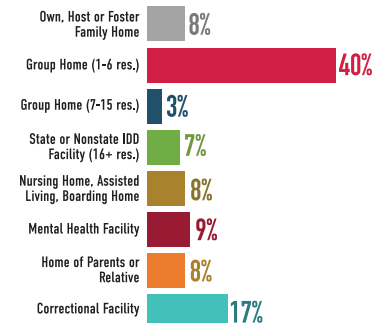
The Policy Forum is a web-based presentation and facilitated discussion exploring research published in the most recent *Policy Research Brief*. Please visit the website, z.umn.edu/icipolicyforum, for details and to view previous forums.

Key Findings

In 2019, one of every three people (29%, 268 people) moving to large state-run institutions were leaving correctional facilities.



Of the people leaving large state-run institutions in 2019, 94 people (17%) moved to a correctional facility.



The percent of people with IDD moving between large state-run institutions and the criminal legal system increased between 1985 and 2019.



Policy Recommendations

Since so many people move between large state-run institutions and the criminal legal system, we propose the following policies:

- **Grow the Medicaid Home and Community-Based Services system.** This would create more opportunities for people with IDD to thrive in their communities. This requires higher Medicaid reimbursement rates to ensure that eligible people can find workers to provide needed services.

- **Stabilize the direct support workforce.** Create a Standard Occupational Classification for direct support workers to improve their status and recognition.
- **Understand and fight against social exclusion of and discrimination against Black, Indigenous, and people of color (BIPOC) with IDD.** BIPOC are overrepresented in the criminal legal system due to systemic racism. More research on BIPOC with IDD in the criminal legal system is needed.
- **Increase law enforcement training and alternatives to better support people with IDD in crisis.** Education and resources for police can decrease the number of people with IDD in the criminal legal system. Using crisis intervention teams alongside or instead of police may also lead to better outcomes, especially for people with IDD.
- **Support self-advocacy training initiatives.** Learning about their rights, how to talk to the police, and how to speak up for themselves and others can help people with IDD have safer interactions with the criminal legal system.
- **Improve screening for IDD in jails.** Many people in jail have undiagnosed IDD, so they do not receive appropriate supports. Improving screening would help more people transfer out of jail to home and community-based services.
- **Educate lawyers on supporting people with IDD.** Lawyers need to understand the disability services system and how to communicate with people with IDD to effectively represent them in the criminal legal system.

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Appleman, L.I. (2018). Deviancy, dependency, and disability: The forgotten history of eugenics and mass incarceration. *Duke Law Journal*, 68(3): 418–478.

Larson, S.A., Neidorf, J., Pettingell, S., Sowers, M., & Anderson, L.L. (forthcoming). Long-term supports and services for persons with intellectual or developmental disabilities: Status and trends through 2019. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

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Policy Research Brief: z.umn.edu/rtpcrb

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The University of Minnesota stands on *Miní Sáta Makháche*, the rightful homelands of the *Dakhóta Oyáte*. We recognize the U.S. did not uphold its end of these land treaties. It is the current and continued displacement of the *Dakhóta Oyáte* that allows the University to remain today.

Ongoing oppression and discrimination in the United States has led to significant trauma for many people of color, immigrants, people with disabilities, and other oppressed persons. At ICI, we affirm our commitment to address systemic racism, ableism and all other inequalities and forms of oppression to ensure inclusive communities.

Research Issue

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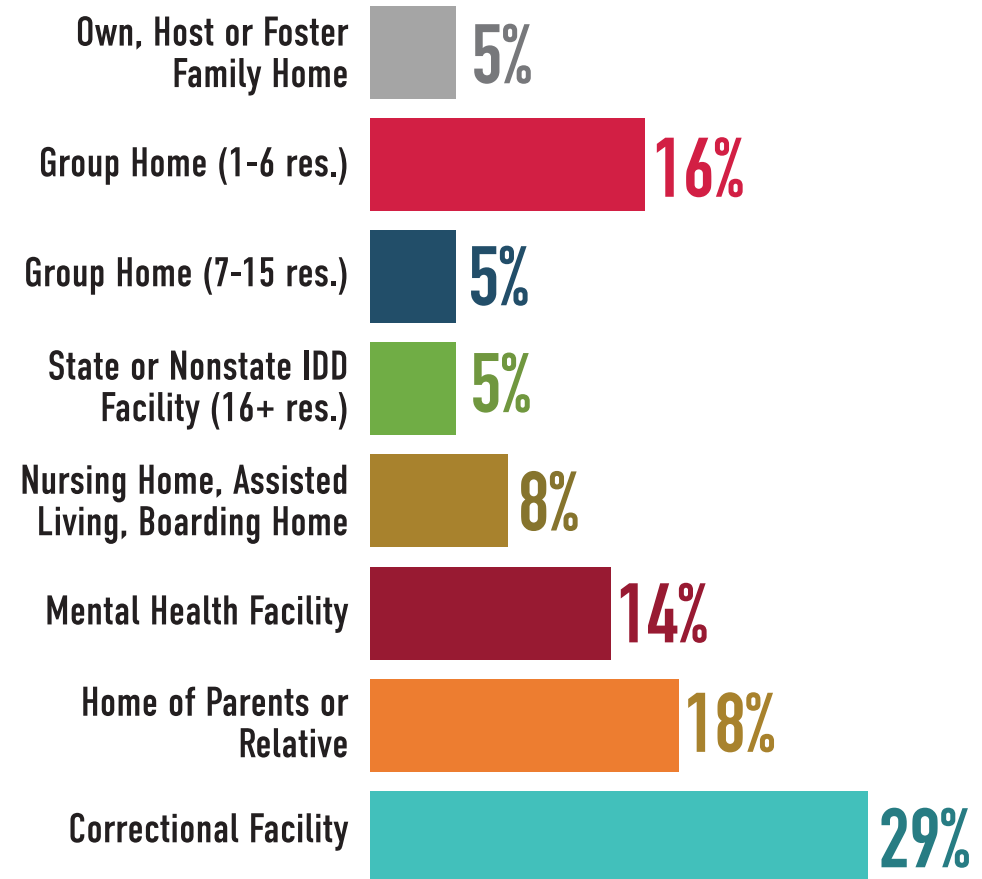
into homes in their communities. Increasingly, many of these people move between institutions and the criminal legal system. In 2019, 17% of those leaving moved into a jail, prison, or other correctional facility. 29% of people moving into large state-run institutions came from correctional facilities.

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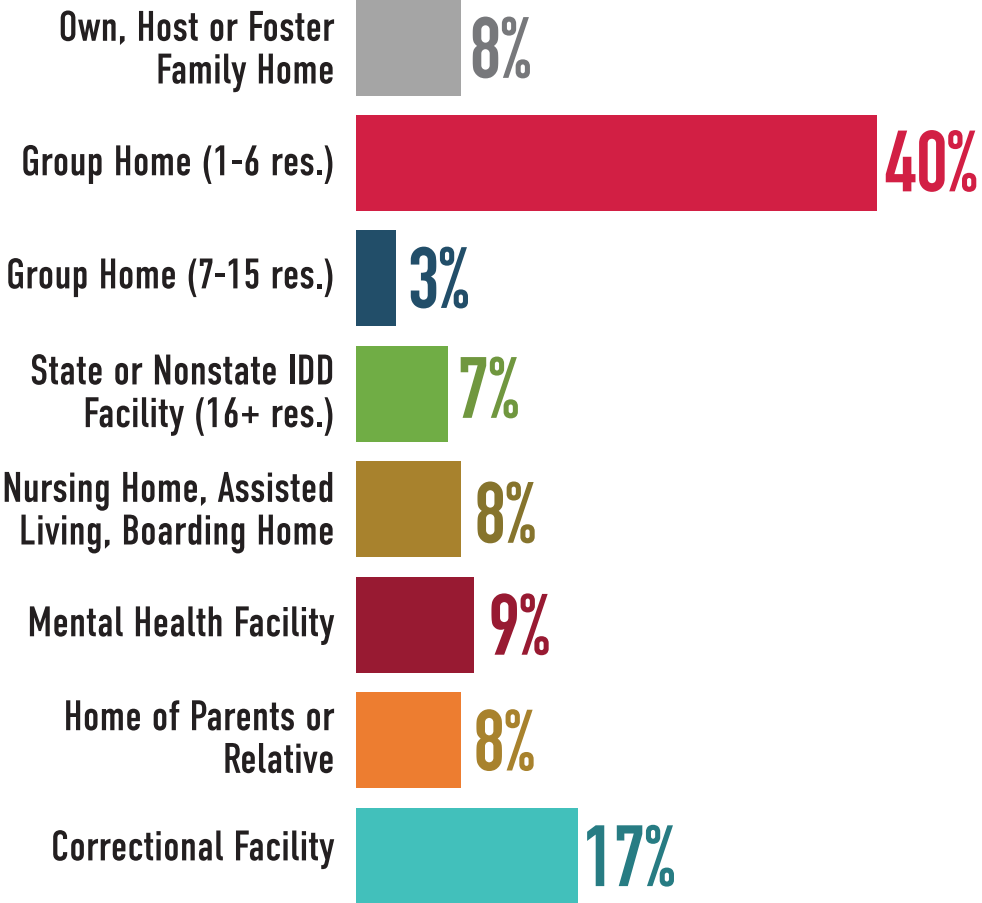
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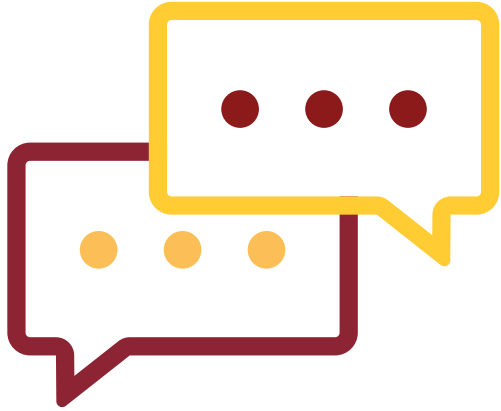
interactions with the criminal legal system.

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Discussion Question

What stands in the way of these policy recommendations?



Discussion Question

What mechanisms (state, local, other) are available/can be used to support people with IDD who end up engaged with the criminal justice system?

For a copy of the slides and recording

go to the Institute on Community Integration's Policy Forum page

<http://z.umn.edu/icipolicyforum>

For a copy of the *Policy Research Brief*

go to the Institute on Community Integration's Policy Research Brief page

<https://ici.umn.edu/series/10>

Thank you for attending today's Policy Forum

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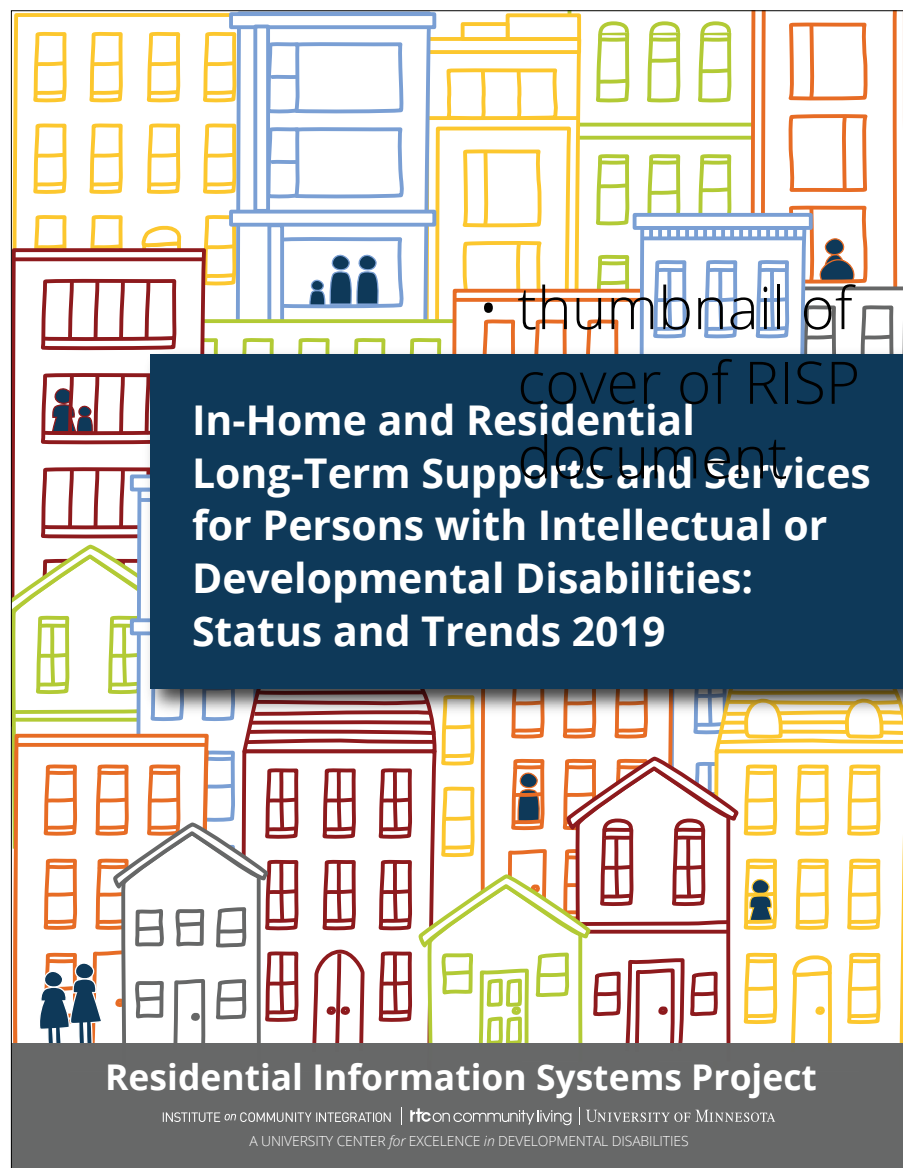
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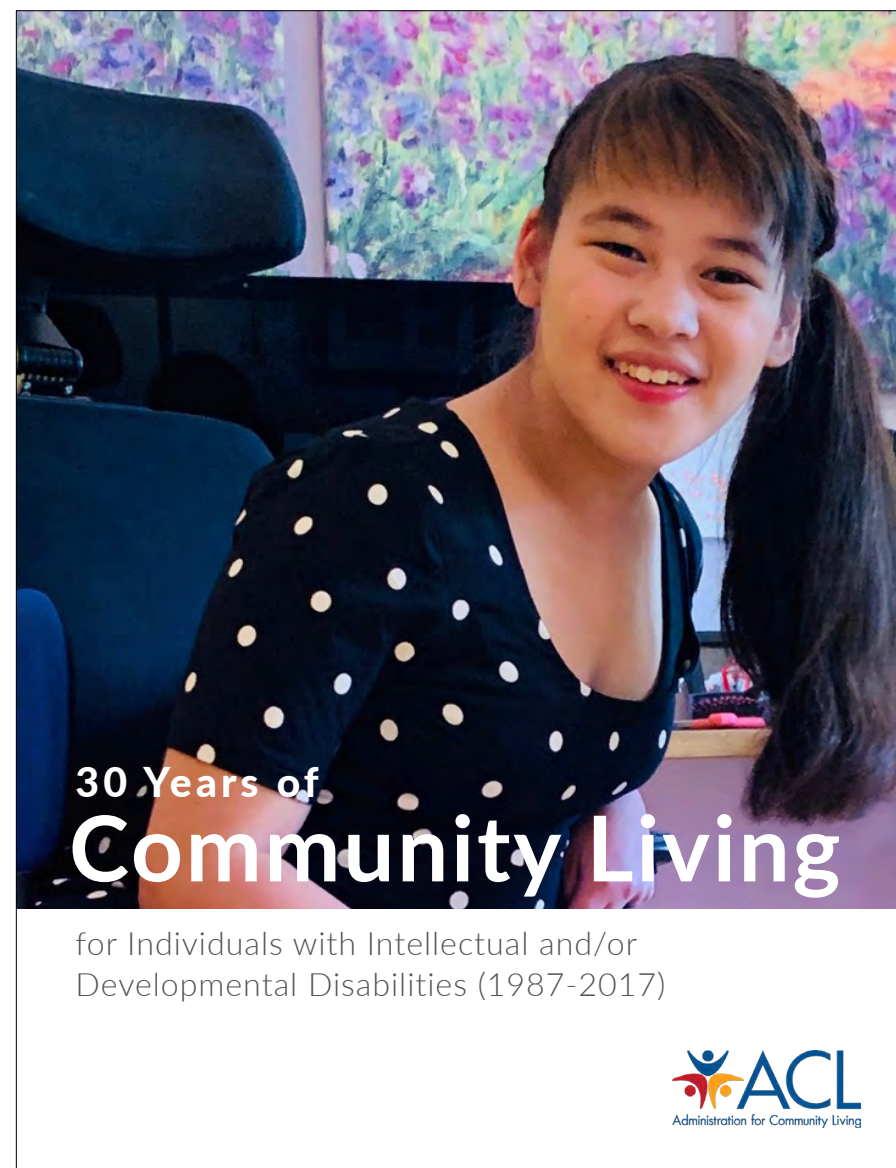
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