

We need a new court system for people with intellectual disabilities who get into trouble | Expert Opinion

In Chester County, one man's story illustrates both the problem and how it could be addressed.

Police were able to get the young man to drop the knife. But that intervention was just the start of what could have been a traumatic experience. (Tyler Oneill/Dreamstime/TNS)Read moreTyler Oneill / MCT

- TH

Tine Hansen-Turton, Lori Plunkett, Liz Hayden and Scott Spreat, For the Inquirer

- Published

Dec 23, 2020

Woods Community at Brian's House is a Chester County-based group home provider for people with intellectual disability and autism. One of our residents is a soft-spoken 25-year-old, diagnosed with intellectual disability and a genetic disorder called [Prader Willi Syndrome](#) which can mean life-threatening obesity due to a lack of normal hunger cues. This young man also has impulse control and oppositional defiance disorders and can be quick to anger. And like others with his challenges, he requires 24/7 direct care.

Until the advent of the pandemic, he was working in the community and taking karate classes three times a week, which he loved. Usually his occasional angry outbursts can be de-escalated. But one day in April, something triggered him. He threatened a staff member with a knife, and refused efforts to calm him.

We called 911, and police officers were able to convince him to drop the knife and took him to a hospital emergency room. After a psychiatric evaluation he was sent to a specialty hospital for treatment.

Brian's House wanted him discharged back to their care, confident that his problems could be addressed by staff he knew and trusted -- and who didn't want to press charges against him. However, charges were filed anyway. He was sent to jail but released within 24 hours on \$50,000 bail.

Sadly, people with intellectual disabilities are overrepresented among the prison population in the United States. Recent estimates suggest that there may be seven times as many people with intellectual disabilities in jails and prisons than would be expected from their representation among the general population.

There are many reasons for this situation. Limited cognitive skills can make it hard to understand and resist dangerous situations. For similar reasons, people with intellectual disability are at [higher risk](#) of becoming victims themselves. Some behaviors are often misunderstood by the general public and result in calls to law enforcement. From there, the impact can extend well beyond the massive trauma of an arrest, trial and time spent in jail. Once a person has been convicted of a crime, [access to benefits](#) may be affected, including housing, Social Security, health insurance, and employment.

This case turned out differently. The Chester County Public Defender's Office and District Attorney worked together to get the bail requirement dropped. Brian's House and Woods leadership also contacted the Mental Health Court in Chester County, and the Court's probation officer advocated on our resident's behalf.

Still, even with so many people pulling for him, it took six months for the charges to be dropped. He has recently been able to return to work with a landscaping crew.

In addition to the support of Brian's House and Woods Services, this young man was fortunate to have several advocates in the court system and community members who took the time to understand his complex needs -- and that jail was not the right setting for him. The existence of a specialized diversion court, the Mental Health Court, was also of great help in providing options

besides jail. However, even this type of court is not typically equipped to handle the issues of people with intellectual disabilities with mental health challenges entering the criminal justice system.

The time is long overdue for new specialized courts to be established that would be tailored for people with intellectual disability and severe autism who become involved in the criminal justice system. These courts should be staffed similarly to [mental health and other treatment courts](#) through partnerships with providers and health systems which have the expertise and experience to deal with the particular and profound challenges that people with intellectual disability and autism encounter when they come in contact with the criminal justice system.

As part of this new type of specialized court, services are needed to help people with these special needs to understand their rights, including access to accommodations, to understand alternatives to incarceration, to receive protection from self-incrimination and exploitation, and to receive access to victim services, when needed. As in mental health and substance abuse treatment courts, those involved, including judges, prosecutors, defenders and law enforcement professionals, should receive training in order to understand the needs and complexities of this population.

Tine Hansen-Turton is President and CEO of Woods Services and a member of the Inquirer's Health Advisory Board Panel. Lori Plunkett is President and CEO of Woods Community at Brian's House. Liz Hayden is Strategy Development Director of Woods Services. Scott Spreat is Vice President of Evaluation and Research at Woods Services.

- TH

Tine Hansen-Turton, Lori Plunkett, Liz Hayden and Scott Spreat, For the Inquirer

-