MOVING TOWARD MORE POSITIVE INTERACTIONS BETWEEN POLICE OFFICERS AND PERSONS WITH DISABILITIES

Overview

- In the past few years, the spotlight has been on negative police encounters with persons in mental crisis, which is recognized as a debilitating and oftentimes long-term illness.
- Although similar, there is marked difference between persons considered in mental or health crisis and those with an intellectual or developmental disability.
- These differences may require a different response from those used by law enforcement to persons in crisis.
- There is a substantial need to implement policies and procedures, develop effective training, and provide additional supportive services through partnerships as a means to improve the lives of this vulnerable population as well as their families.

Learning Objectives

- Vision
- Past Experiences
- Realizing Changes

Disclosure

- I have nothing to disclosure
VISION

Develop a greater understanding of characteristics and behaviors that persons with intellectual or developmental disabilities may present and the steps to minimize the potential safety risks of this vulnerable population during encounters with law enforcement.

PAST EXPERIENCE

It is essential that we study past incidents to better understand the importance of differentiating between those in mental or physical health crisis and those with an intellectual or developmental disability.
Unlike incidents involving persons in a mental/physical crisis, there has not been a concentrated focus on specifically addressing persons who have an intellectual or developmental disability.

Although the current training to respond to persons in crisis is effective, we need to recognize that although similar, there is a marked difference between persons considered in mental or health crisis and those with an intellectual or developmental disability, and that these differences may require a different response from law enforcement.

A situation in which a person experiences an intensive behavioral, emotional, or psychiatric response triggered by a precipitating event.

The person may be at risk of harm to self or others, disoriented or out of touch with reality, functionally compromised, or otherwise agitated and unable to be calmed.

If this crisis is left untreated, it could result in a mental health emergency.

A mental/health crisis includes those who are suicidal due to depression, suffering from substance abuse, psychiatric disorder, PTSD, etc.

While many of the same techniques and protocols used when addressing those in mental or health crisis are effective when interacting with I/DD individuals, we need to reexamine the way we communicate during encounters and reevaluate what services and support are available to better serve this population.

Police Use of Force
Police Use of Force

- Research shows that approximately 25 percent, some say as high as 50 percent, of persons killed by police may have had a mental disorder or was in a mental or health crisis, including under the influence of a controlled substance, during the encounter.

**PERSONS KILLED BY POLICE**

- 25% = Mental disorder/crisis
- 16% = Armed with a knife
- 9% = Unarmed

**Police Use of Force**

- As the number of calls for service involving persons in crises increased, law enforcement re-examined basic training philosophies and standard operating procedures to adjust officer response to incidents involving a person in crisis in an effort to minimize the need for force.

**SFPD Uses of Force 2016 to 2018**

- 2016: 27%
- 2017: 20%
- 2018: 15%

**Police Use of Force**

- When an incident involves a person with an intellectual or developmental disability that at times may present characteristics that are considered aggressive and violent, such as with certain types of Asperger’s, the mere presence of a police officer may trigger an increase in that behavior.
REALIZING CHANGES
What can law enforcement do to ensure the safety of individuals with intellectual or developmental disabilities

ENCOUNTERS WITH LAW ENFORCEMENT

VICTIM OR WITNESS

Encounters with Law Enforcement

Individuals interact with law enforcement in four general ways:

- **Casual**: Asking for directions, during a public event
- **Victim/Witness**: When a person is a victim or is a witness to a crime
- **Person of Interest/Suspect**: A person who has been identified as a potential suspect during a criminal investigation
- **Subject of an Encounter**: A person who is the focus of an active encounter whether dispatched or self-initiated by an officer

**Rate of Violent Victimization per 100,000**

- **Persons without disabilities**
- **Persons with disabilities**

Source: "U.S. Bureau of Justice Statistics, 2017"
Encounters with Law Enforcement

Victim or Witness

Offender Relationship to Victim

With Disability
- Intimate Partner: 15%
- Relative: 10%
- Acquaintance: 40%
- Strangers: 30%
- Unknown: 5%

Without Disability
- Intimate Partner: 15%
- Relative: 8%
- Acquaintance: 33%
- Strangers: 39%
- Unknown: 9%

65% vs. 52%
Offender is known to the victim

Source: US Bureau of Justice Statistics/July 2017

Encounters with Law Enforcement

Suspect or Person of Interest

Encounters with Law Enforcement

Suspect or Person of Interest

Max incarceration of Americans with disabilities

Prevalence of disabilities among state and federal prisoners and jail inmates, 2011–2012

<table>
<thead>
<tr>
<th></th>
<th>Prisoners</th>
<th>Jail Inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>35.0%</td>
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<tr>
<td>Male</td>
<td>33.0%</td>
<td>38.5%</td>
</tr>
<tr>
<td>Female</td>
<td>39.5%</td>
<td>40.5%</td>
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</tbody>
</table>

Note: Disability types include hearing, vision, speech, ambulatory, self-care, and independent living.


Encounters with Law Enforcement

Interacting with Suspects or Persons of Interest

When taking an I/DD individual into custody, particular care should be given to the manner in which the person is placed into physical custody to avoid eliciting a strong or emotional response.

Source: International Association of Chiefs of Police, Model Policy on Law Enforcement Encounters with Developmentally Disabled, 2011
Encounters with Law Enforcement

Interviews with Suspects or Persons of Interest

When during the course of an investigation it is determined that the suspect has an I/DD, reasonable accommodations can be planned for and provided during the arrest/detention phase as well as the interview phase to ensure fairness throughout the process.

- Provide false confessions
- Feel overwhelmed by police presence
- Not understand instructions or commands
- Say things they believe the police want to hear
- Pretend to understand their rights when they do not
- Have difficulties describing details or facts of an offense
- Feel upset at being detained
- Attempt to run away from a person of authority

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Encounters with Law Enforcement

Subject of an Encounter

Encounters with a person considered a “subject” pose the greatest safety risk to the involved parties.

- Self-initiated by an officer
- Call for service from the public relayed through dispatch
Encounters with Law Enforcement

Responding to Dispatched Calls

It is easy to misidentify behavior by relying on what is told to us rather than what is personally perceived.

Encounters with Law Enforcement

Bias by Proxy

When officers rely on the emergency dispatcher’s recitation of what a biased caller claims to have happened instead of making an independent and professional assessment of the caller’s claim, it is referred to as bias by proxy.

Source: The Vera Institute of Justice
Encounters with Law Enforcement

Use of Force During an Encounter

We should prepare our officers to **PREVENT** the need to use force not to **REACT** to the situation by using force.

**REALIZING CHANGES**

**TRAINING AND EDUCATION**

Realizing Changes

Training and Education

The San Francisco Police Department has gone from a mindset of warrior to one of guardian, a more fitting conduit for what we stand for – **SAFETY WITH RESPECT FOR ALL.**

We will:
- Engage in just, transparent, unbiased, and responsive policing
- Do so in the spirit of dignity and in collaboration with the community
- Maintain and build trust and respect as the guardian of constitutional and human rights

**SFPD STRATEGY**

**SFPD Recruit Training Compared to National Standards**

<table>
<thead>
<tr>
<th>Training Category</th>
<th>SFPD Hours</th>
<th>National Standard Hours</th>
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<tbody>
<tr>
<td>Defensive Tactics</td>
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<td>129</td>
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<tr>
<td>Crisis Intervention/De-Escalation</td>
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<td>Constitutional Law/Legal Issues</td>
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<td>Use of Force Policy</td>
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<td>Basic First Aid</td>
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Source: PERF, National Standards vs. SFPD training
**Realizing Changes**

**Specialized Training**
- Autism Training
- Crisis Intervention Training
- Procedural Justice
- Principled Policing/Implicit Bias
- Managing Implicit Bias
- Creating an Inclusive Environment
- Use of Force
- Critical Thinking

**Realizing Changes**

**Crisis Intervention Team Training**

Officers shall demonstrate the commitment to safeguard the life, dignity, and liberty of all persons by using rapport-building communication, crisis intervention, and de-escalation principles whenever feasible before resorting to force.

- **40 HR - CRISIS INTERVENTION TRAINING:** CIT Certification upon course completion. Total 938 members certified.
- **10 HR - FIELD TACTIC CIT COURSE:** To be completed by all those assigned to Patrol, Investigative Bureau, and Administrative Units. Total 1,850 members trained.

**Realizing Changes**

**Promoting Procedural Justice**

Fostering and strengthening trust between the police and the community by emphasizing respect, understanding the importance of listening and providing a voice to the people, and addressing common implicit biases that can be barriers.

- **8 HR - PRINCIPLED POLICING:** Procedural justice, police legitimacy, and implicit bias for all sworn and civilian staff.
- **8 HR - PROCEDURAL JUSTICE:** Procedural justice and police legitimacy for Command Staff.
- **8 HR - MANAGING IMPLICIT BIAS:** Introduction to managing implicit bias of subordinates for command staff, civilian managers.
- **20 HR - INCLUSIVE ENVIRONMENT:** Creating an inclusive environment for supervisors/managers, both sworn and civilian.
- **ON-GOING:** Monthly roll-call training focusing on leadership, procedural justice, fair and impartial policing, and other contemporary topics.

**Realizing the Changes**

**Use of Force – Re-thinking, Re-Engineering, Re-Training**

To establish a systematic approach to reducing the frequency and impacts of use of force when responding to a call of a person in crisis.
Realizing Changes

Policies and Procedures

- Crisis Intervention Team
- Implementation of the Mobile Crisis Unit
- Mental Health Resource Guide
- Use of Force
- Prohibiting Biased Policing
- Investigative Policies
  - Prejudice-Based Incidents (Hate Crimes)
  - Missing Persons
- Autism Awareness

Realizing Changes

Policies and Procedures

- ADA Compliance
  - Reasonable Accommodations
  - Service and Support Animals
  - Transporting Persons with Mobility Devices
- Language Access Services
  - Deaf and Hard of Hearing (Pending final review and approval)
  - Use of Relay Service for Communication
  - Interpretation Services – Non-English Speaking/Sign Language/Assisted Listening Devices
Realizing Changes

Partnerships

- Language Services
  - Deaf Counseling Advocacy & Referral Agency
  - Deaf Hope

- Community-Based Organizations
  - Autism, Asperger’s Spectrum Coalition for Education Networking and Development (AASCEND)
  - People with Disabilities Foundation
  - ARC
  - Janet Pomeroy Center

- Community Members and Stakeholders

THANK YOU

sanfranciscopdce.org
MOVING TOWARD MORE POSITIVE INTERACTIONS BETWEEN POLICE OFFICERS AND PERSONS WITH DISABILITIES

William Scott, Chief of Police
San Francisco Police Department

1. LEARNING OBJECTIVES
   a. Vision
   b. Past Experiences
   c. Realizing Changes

2. VISION
   a. Develop a greater understanding of characteristics and behaviors that persons with intellectual or developmental disabilities may present and the steps to minimize the potential safety risks of this vulnerable population during encounters with law enforcement.

3. PAST EXPERIENCE
   a. It is essential that we study past incidents to better understand the importance of differentiating between those in mental or physical health crisis and those with an intellectual or developmental disability.

   b. Unlike incidents involving persons in a mental/physical crisis, there has not been a concentrated focus on specifically addressing persons who have an intellectual or developmental disability.

   c. Although the current training to respond to persons in crisis is effective, we need to recognize that although similar, there is marked difference between persons considered in mental or health crisis and those with an intellectual or developmental disability, and that these differences may require a different response from law enforcement.

4. PERSON IN MENTAL/PHYSICAL HEALTH CRISIS
   a. A situation in which a person experiences an intensive behavioral, emotional, or psychiatric response triggered by a precipitating event.

   b. The person may be at risk of harm to self or others, disoriented or out of touch with reality, functionally compromised, or otherwise agitated and unable to be calmed.
c. If this crisis is left untreated, it could result in a mental health emergency.

d. A mental/health crisis includes those who are suicidal due to depression, suffering from substance abuse, psychiatric disorder, PTSD, etc.

5. INTELLECTUAL DISABILITY

a. Disorders characterized by a limited mental capacity and difficulty with adaptive behaviors such as managing money, schedules and routines, or social interactions.

b. Generally appears before the age of 18 and may result from physical causes, such as autism or cerebral palsy, or from nonphysical causes, such as lack of stimulation and adult responsiveness.

6. DEVELOPMENTAL DISABILITY

a. Severe, long-term disability that can affect cognitive ability, physical functioning, or both.

b. Generally appears before the age of 22 and are likely to be life-long.

c. Can encompasses intellectual disability but also includes physical disabilities.

d. Some may be solely physical, such as blindness from birth.

e. Others involve both physical and intellectual disabilities stemming from genetic or other causes, such as Down syndrome and fetal alcohol syndrome.

f. While many of the same techniques and protocols used when addressing those in mental or health crisis are effective when interacting with I/DD individuals, we need to reexamine the way we communicate during encounters and reevaluate what services and support are available to better serve this population.

g. Research shows that approximately 25 percent, some say as high as 50 percent, of persons killed by police may have had a mental disorder or was in a mental or health crisis, including under the influence of a controlled substance, during the encounter.
h. As the number of calls for service involving persons in crises increased, law enforcement re-examined basic training philosophies and standard operating procedures to adjust officer response to incidents involving a person in crisis in an effort to minimize the need for force.

i. When an incident involves a person with an intellectual or developmental disability that at times may present characteristics that are considered aggressive and violent, such as with certain types of Asperger's, the mere presence of a police officer may trigger an increase in that behavior.

7. REALIZING CHANGES

   a. What can law enforcement do to ensure the safety of individuals with intellectual or developmental disabilities?

8. COMING INTO CONTACT WITH

   a. VICTIM OR WITNESS

   b. SUSPECT OR PERSON OF INTEREST

   c. SUBJECT OF AN ENCOUNTER

9. POLICIES AND PROCEDURES

   a. We will continue to improve and change our policies and procedures that reflect the community which we serve

THANK YOU