

Disability Justice Initiative
Technical Report #3
Pilot Project Summary: City of Wahpeton & Richland County, ND

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Project Overview

When a call is placed to 911, police officers are often the first to arrive at the scene, even for medical emergencies. As first responders, law enforcement personnel must be able to recognize disabilities and respond appropriately with specific types of intervention and support. While physical disabilities are generally more visible, many cognitive disabilities, such as mental retardation (MR) and mental illness (MI), are not as easily identified. Research indicates most workers in the criminal justice system do not know what mental retardation is or how to recognize it; therefore their skills to communicate and interact effectively with people who have mental retardation is limited (Davis, 2000; Petersilia, 2000; Reynolds, 1995). Many officers also have difficulty recognizing and intervening in mental health crises (Borum, R., Deane, M.W., Steadman, H.J., & Morrissey, J., 1998). Some situations have led to arrest, when mental health services would have been more appropriate (Borum, R., et al., 1998). Data suggest that collaborations between the criminal justice system, the mental health system, and the advocacy community, along with essential services, reduce the inappropriate use of jail time for people with mental illness (Steadman, H.J., Deane, M.W., Borum, R., & Morrissey, J.P., 2000). Changes in community supports and legislation have resulted in more people with mental retardation and mental illness living within the community, thus increasing the likelihood of encounters with law enforcement. Disability services can be confusing to those outside of the system. The acronyms can be meaningless, the paperwork overwhelming, and concepts like “age appropriateness” and “normalization”

are misunderstood by those who have not had training or experience in the disability field. These combined circumstances make training for law enforcement personnel a necessity.

There is also misunderstanding in the disability community with regard to the criminal justice system. Disability workers often do not understand how the criminal justice system works and may inadvertently interfere with an investigation or the questioning of victims and witnesses who have disabilities.

In October 2002 the ND Center for Persons with Disabilities (NDCPD) collaborated with the ND Protection & Advocacy Project and the State Council on Developmental Disabilities to launch the Disability Justice Initiative (DJI) project. The purpose of the DJI project is to improve interaction between North Dakota's criminal justice system and citizens with disabilities. The focus of DJI activities is to raise awareness and provide training and information on issues related to recognition and effective interaction with people who have disabilities, specifically mental retardation and mental illness.

Professional literature suggests a clear and pressing need to reduce victimization of people with disabilities by both offenders and the CJ system on a national level (Arrayan, 2003). Results of a 2002 North Dakota state-wide survey indicated that, although there are cooperative working relationships between most CJ and service provider entities, the majority are interested in receiving training and information about CJ and disability issues (Arrayan, 2003). Survey results indicated minimal training is currently being provided to criminal justice and disability entities on each service system. Taking a proactive approach, such as raising awareness and providing information, may

prevent problems that do exist from becoming prevalent, as well as enhance existing collaborations. Over a five year span, the DJI project will provide information and training that promotes interagency collaboration to bridge the existing gaps in services between the disability and criminal justice entities.

The DJI project was first introduced in a southeastern ND community. This report summarizes the results of the project in this first partner community. Through a collaborative effort, the DJI training curriculum was piloted in two phases: Wahpeton, ND, and the surrounding county. Phase one involved personnel from the Wahpeton Police Department and Red River Human Services in March 2004. Phase two expanded to include the Richland County Sheriff's Department personnel in August 2004.

Partner Community Profile

Wahpeton, located in the southeast corner of North Dakota along the Minnesota border, is the county seat of Richland County. The population of Wahpeton is approximately 8,500. However, in conjunction with the neighboring town of Breckenridge, MN, the two communities together comprise a daytime population of about 13,000. Situated at the start of the Red River Valley, Wahpeton is largely an agricultural community. However, Wahpeton industry also includes manufacturing plants, a medical center, railroads, a bus line, five truck lines and an airport. It is the home of the North Dakota State School of Science which includes a junior college, business college trade school, and technical school.

Richland county is 33 by 48 miles long, with a resident population of approximately 19,000. Wahpeton, the largest city in Richland County, is the county seat

and is located in the middle of the county on the Minnesota/ND border . There are 13 additional cities located in Richland County.

Participants

Red River Human Services (RRHS). This agency provides residential, vocational and recreational services to people living in Fargo and Wahpeton, ND who have a diagnosis of mental retardation/developmental disability. RRHS employs 65 full and part time staff, and provides services to 57 individuals.

Wahpeton Police Department. The Wahpeton Police Department is responsible for law enforcement in the City of Wahpeton and has jurisdiction over another 5240 acres in what is referred to as the extra territorial zone. The Police Department employs 13 sworn officers and two full-time support staff. The department is organized into three divisions: Administrative, Uniformed and Investigative.

Richland County Sheriff's Department. The Richland County Sheriff's Department is staffed by a sheriff, chief deputy, sergeant, investigator, civil/warrants deputy, truck regulatory deputy, two city contract deputies, four other deputies in patrol, one administrative assistant, and one secretary. All 12 uniform deputies, including the sheriff, are peace officers. The Richland County Corrections Department currently consists of a chief corrections officer and six corrections officers.

Training

Red River Human Services (RRHS). A training manual was developed by DJI project staff, specifically for disability service providers. RRHS incorporated the DJI training manual into their existing training curriculum. The regional staff trainer responsible for staff training within the RRHS agency uses the DJI manual in conjunction

with training on other legal issues. Information gathered informally from the RRHS staff trainer indicated the information has been well received from agency staff.

Wahpteton Police Department and Richland County Sheriff's Department.

Participants in these two Departments used the self-study method, as selected by the Chief of Police and the Sheriff. The self study approach was chosen because of the difficulties in scheduling and arranging for shift coverage within small departments. Each participant received a training packet which included the following materials:

- Training manual – Bridging the Gap between People with Disabilities and the Criminal Justice System: a training manual for ND criminal justice personnel . This manual was developed by DJI project staff specifically for ND CJ personnel.
- Disk version of the manual
- Tip card for characteristics of MR and effective interaction strategies. This was designed to be used by officers as a quick reference when responding to calls involving people with MR.
- Tip card for characteristics of MI and effective inter action strategies. This was designed to be used by officers as a quick reference when responding to calls involving people with MI.
- Seven videos on disability related issues (the videos were loaned to the department for use during the duration of the training project, see Appendix A for a list of videos and their descriptions).

The Project Coordinator met with the Chief of Police and the County Sheriff to review materials, expectations, and timelines prior to implementing the project. Regular

contact was then maintained throughout the project via telephone and email to monitor progress and answer questions. Pre- and post-tests were administered to each group by the site supervisor.

Results

Wahpeton Police Department. Twelve officers, including the Chief of Police, from the Wahpeton police department participated in the training. Officers studied on their own during work or personal time. The pre/post test (Appendix B) was administered to the participants. Tests were not paired for each specific participant from pre to post test, therefore individual comparative scores were not possible. An independent means t test was completed. Statistics for the pre- and post-tests are indicated in Table 1.

Table 1 – Statistics of pre/post tests for Wahpeton

	Pre Test	Post Test
Average Score	78%	86%
Mean Score	43.58	48.09
Standard Deviation	4.64	.944
Significance	.005	.006

Twelve participants completed pre-tests, and 11 participants completed post-tests. The mean score for the pre test was 43.58, while the post test was 48.09. Standard deviations for the pre and post tests were 4.64 and .944, respectively. The t test indicates a statistically significant difference between the pre and post tests. Test scores increased an average of four points as a result of the training.

Richland County Sheriff's Department. Thirteen officers from the Richland County Sheriff's Department participated in the training. A paired sample t test was used for analysis. Statistics for the pre- and post-tests are indicated in Table 2.

Table 2 – Statistics of pre/post tests for Richland County

	Pre Test	Post Test
Average Score	70%	87%
Mean Score	39.00	49.25
Standard Deviation	3.98	1.60
Significance	<.05	<.05

Thirteen participants completed pre-tests, and 12 post-tests were completed. The mean score for the pre-test was 39.00, while the post-test was 49.25. Standard deviations for the pre- and post-tests were 3.98 and 1.60, respectively. The difference between pre- and post-tests were statistically significant. The test scores increased an average of 10 points as a result of the training.

Post test questions commonly missed. Questions most commonly answered incorrectly by participants centered around three areas: (1) people first language; several participants incorrectly identified ‘the woman is retarded’ as an appropriate language choice, (2) indicators of MR; participants incorrectly chose seizure activity as one of the indicators, and (3) effective communication strategies; several participants did not identify using open-ended questions as a correct choice. The consistency with which these questions were answered incorrectly indicates that this information is either not covered adequately or is not clear within the curriculum.

Participant Feedback

Participants were asked to complete an evaluation of the training after completion. Overall the responses were positive. Participants appreciated the concise format of the training manual and the nature of the information it contained. Participants in the Wahpteton group were not able to open the manual formatted on the disk due to their computers not having compatible software. The DJI project coordinator was not aware of

this glitch until the completion of the program. The disk was reformatted prior to distributing it the Richland county group to avoid the same problem. Three participants in the Richland County group indicated a need for an instructor to teach the class on site. Information/feedback from the evaluations will be taken into consideration as the curriculum and training format are refined. See Appendix C for a summary of evaluation results.

Conclusion

Overall, the data indicates that DJI training had an impact on participants from the Wahpeton and Richland County groups. Although on-site training by an instructor may be preferred by some participants, the training format will need to continue to be flexible in order to be successfully incorporated into the overall needs of each department.

References

- Arrayan, K. (2003). *Review of the Literature*. Minot, ND: ND Center for Persons with Disabilities, Disability Justice Initiative Technical Report #1.
- Borum, R., Deane, M.W., Steadman, H.J., & Morrissey, J. (1998). Police perspectives on responding to mentally ill people in crisis: Perceptions of program effectiveness. *Behavioral Sciences and the Law*, 16, 393-405.
- Davis, L.A. (2000, August). Serious issues facing today's victim and offender with mental retardation. *TASH Newsletter*, 26-27, 14-16.
- Petersilia, J. (2000, August). Doing justice: Criminal offenders with developmental disabilities. *TASH Newsletter*, 26 (8), 11-13.
- Reynolds, L.A. (1995). People with Mental Retardation in the Criminal Justice System (ARC Q&A #101-47). Arlington, TX: ARC National Headquarters. (ERIC Document Reproduction Service No. ED425557).
- Steadman, H.J., Deane, M.W., Borum, R., & Morrissey, J.P. (2000). Comparing outcomes of major models of police responses to mental health emergencies. *Psychiatric Services*, 51 (5), 645-649.

Appendix A

Disability Justice Initiative Training Videos

Appendix A

Disability Justice Initiative
Training Videos

Title	Length	Description
On the Beat: When You Meet People with Disabilities	12 minutes	This video is specifically directed toward law enforcement personnel. Helps officer increase effectiveness by learning how to differentiate behavior and appearance due to disability from those that are typical of substance abuse or criminal behavior.
When Law Enforcement and Citizens with Disabilities Meet	27 minutes	Provides tips for law enforcement personnel. People with disabilities share their experiences when encountering police and recommend specific strategies, such as: understand diversity, don't make assumptions, find ways to communicate, be flexible, how to gain and give respect.
Unequal Justice	23 minutes	The story of a 19 year old man with mental retardation who unknowingly waived his Miranda rights and confessed to the murder of an elderly woman. Even though a convict confessed to the crime two year later, Johnny Lee Wilson remained in jail for many years.
End the silence	7 minutes	Self-advocates tell their stories about abuse they experienced.
The 10 Commandments of Communicating with People with Disabilities	26 minutes	This video uses humor to deliver its disability awareness message.
Serving Crime Victims with Disabilities: Meet Us Where We Are	14 minutes	Speaking from their own experiences, the people in this video talk about being victimized, the kind of services and support that they did or did not receive, and how their victimization motivated them to advocate for programs and services to help other crime victims with disabilities.
Serving Crime Victims with Disabilities: The Time Is Now	17 minutes	This video is designed to encourage and assist the efforts of victim advocates in actively reaching out and serving crime victims with a wide range of disabilities. Victim advocates in the tape deliver the message that the time for action is now.

Appendix B

Disability Justice Initiative Criminal Justice Personnel Pre/Post Test

Appendix B

Initials: _____

Disability Justice Initiative Criminal Justice Personnel Pre/Post Test

1. T or F Mental retardation is a form of mental illness.
2. T or F Most people with developmental disabilities live in institutions.
3. T or F People with significant disabilities are victimized at a crime rate four to ten times higher than the general population.
4. T or F Most people with mental retardation are incompetent to stand trial.
5. T or F If a person with mental retardation has a legal guardian, s/he cannot be a witness.
6. T or F Some disabilities may give the appearance that a person is intoxicated or under the influence of a controlled substance.
7. After entry into the criminal justice system as a potential offender, people with mental retardation are more/less (circle one) likely than people without disabilities to be convicted, sentenced, and then victimized within prison.
8. Which of the following reactions are appropriate in response to an encounter in which you cannot understand what a person is communicating to you? (check all that apply)
 - _____ Pretend to understand and find out later what the person actually meant.
 - _____ Tell the person you don't understand and ask him or her to repeat.
 - _____ Ask someone else to assist in interpreting the communication.
 - _____ Determine whether or not the person has an alternate means of communication that could be used, such as a picture symbol book.
9. How would you describe your *ability* to interact effectively with people who have **mental retardation**?

not effective	1	2	3	4	5	very effective
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10. How would you describe your *ability* to interact effectively with people who have **mental illness**?

not effective	1	2	3	4	5	very effective
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11. How would you describe your *comfort level* in interacting with people who have **mental retardation**?

not comfortable	1	2	3	4	5	very comfortable
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12. How would you describe your *comfort level* in interacting with people who have **mental illness**?

not comfortable	1	2	3	4	5	very comfortable
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13. The following *may* indicate the presence of **mental retardation**: (*check those that apply*)
- person is slow to respond
 - seizure activity
 - limited ability to read or write
 - tendency to answer “yes” to almost every questions asked
 - person uses sign language
 - inappropriate reactions or behavior to the situation
14. The following *may* indicate the presence of **mental illness**: (*check those that apply*)
- paranoia
 - behavior is irrational and changes often
 - limited emotional expression
 - extreme shyness and reservation
 - unintelligible conversation
15. Identify the terminology that reflects “People First Language” by placing an X beside terms or statements which would be appropriate to use when referring to people with disabilities?
- the mentally ill
 - disabled people
 - he uses a wheelchair
 - person with a disability
 - mentally retarded people
 - the man who is blind
 - the woman is retarded
16. Most perpetrators of crimes against people with disabilities are _____:
- a. acquaintances of the victims
 - b. caregivers of the victims
 - c. strangers to the victims
 - d. employers of the victims
17. Which statement is true about people with disabilities as *offenders* of criminal behavior?
- a. There is a genetic link between mental retardation and criminal behavior.
 - b. People who have cognitive disabilities are generally not caught if involved in criminal activity.
 - c. People with mental retardation can usually be easily persuaded to take the blame even when they are not responsible for a crime.
 - d. Disabilities such as mental retardation or mental illness are usually identified almost immediately when an offender is taken into custody.
18. Which of the following are effective communication strategies when interacting with someone who has a developmental disability? (*circle all that apply*)
- a. Avoid using phrases that relate to the disability, such as “see you later” if a person is blind, or “let’s walk over here...” if the person uses a wheelchair.
 - b. Pretend to understand, even if you are unsure of what someone is communicating to you.
 - c. Place yourself at eye level when speaking to someone who uses a wheelchair.

- d. Allow at least 15-20 seconds for the person to process information and respond.
 - e. Use open-ended questions.
 - f. Ask questions that require a yes/no response.
19. Which type(s) of crime are most commonly committed against people with disabilities? (*circle all that apply*)
- a. hit and run
 - b. sexual assault
 - c. robbery
 - d. vandalism
20. Which of the following must be present for a diagnosis of mental retardation to be given? (*circle all that apply*)
- a. Substantial limitation in intellectual functioning
 - b. A physical disability
 - c. Related limitation in at least two areas of adaptive functioning
 - d. Legal rights have been limited by the court
 - e. Mental illness
21. An Individualized Justice Plan serves the following purpose(s): (*circle all that apply*)
- a. It is designed to address the needs of victims who have disabilities.
 - b. It keeps people with disabilities out of court rooms, reducing accessibility issues for the court system.
 - c. It provides alternative treatment and sentencing options.
 - d. Facilitates communication between the disability service system and the criminal justice systems.
22. Indicate which characteristics are associated with Mental Retardation (MR) and which are associated with Mental Illness (MI) by placing MR or MI beside each statement:
- ___ Person has normal intelligence, but difficulty functioning.
 - ___ May occur at any age.
 - ___ A permanent condition with no cure.
 - ___ Below average level of intelligence.
 - ___ Usually temporary and often reversible.
 - ___ Involves disturbances in thought processes and emotions.

Appendix C

Disability Justice Initiative Evaluation Summaries

Evaluations from the DJI Training - 6 surveys

August, 2004 Wahpeton Police Department

	Poor	Fair	Good	Very Good	Excellent	No Resp	Tapes
Overall quality			4 (67%)	1 (17%)		1 (17%)	Not viewed
Addressing your needs			5 (83%)	1 (17%)			
Self-study format			4 (67%)	2 (33%)			
			4 (67%)			2 (33%)	
Materials/Methods							
Breadth of material		1 (17%)	2 (33%)	2 (33%)		1 (17%)	
PowerPoint disk			3 (50%)	1 (17%)		2 (33%)	
Manual			4 (67%)	2 (33%)			
Video tapes: (rate those viewed)							
• On the Beat: When You Meet People with Disabilities			1 (17%)			1 (17%)	4 (67%)
• When Law Enforcement and Citizens with Disabilities Meet			1 (17%)			1 (17%)	4 (67%)
• Unequal Justice				1 (17%)		1 (17%)	4 (67%)
• End the Silence				1 (17%)		1 (17%)	4 (67%)
• The 10 Commandments of Communicating with People with Disabilities			1 (17%)			1 (17%)	4 (67%)
• Serving Crime Victims with Disabilities: Meet Us Where We Are			1 (17%)			1 (17%)	4 (67%)
• Serving Crime Victims with Disabilities: The Time Is Now				1 (17%)		1 (17%)	4 (67%)

Comments:

Strengths of this training:

- Good videos
- Easy reading booklet
- Easy reading manual
- Good manual - I used the PowerPoint disk on my computer to study but mine was the only desktop computer we have that has this capability.

Weaknesses of this training:

- Didn't view any videos, none provided to me
- Unable to use PowerPoint, no access
- Video tapes are too time intensive, I wasn't able to find the time to watch even one.

How could this training be improved?:

- Put PowerPoint presentation or video on disk for more access
- PowerPoint did not work on my computer.
- Put PowerPoint presentation on a floppy that any Windows equipped computer can utilize.

Evaluations from the DJI Training - 12 surveys
 December, 2004 Richland Cty Sheriffs Department

	Poor	Fair	Good	Very Good	Excellent	No Resp	Tapes
Overall quality			5 (42%)	6 (50%)		1 (8%)	Not viewed
Addressing your needs			7 (59%)	4 (33%)		1 (8%)	
Self-study format			8	3		1 (8%)	
Materials/Methods			5 (42%)	5 (42%)		2 (8%)	
Breadth of material			7 (59%)	4 (33%)		1 (8%)	
PowerPoint disk	1 (8%)		5 (42%)	4 (33%)		2 (17%)	
Manual			8 (67%)	2 (17%)	1 (8%)	1 (8%)	
Video tapes: (rate those viewed)							
• On the Beat: When You Meet People with Disabilities			2 (17%)	1 (8%)	1 (8%)	1 (8%)	7 (59%)
• When Law Enforcement and Citizens with Disabilities Meet			2 (17%)	1 (8%)	1 (8%)	1 (8%)	7 (59%)
• Unequal Justice			2 (17%)	1 (8%)	1 (8%)	1 (8%)	7 (59%)
• End the Silence			3 (25%)		1 (8%)	1 (8%)	7 (59%)
• The 10 Commandments of Communicating with People with Disabilities			2 (17%)	1 (8%)	1 (8%)	1 (8%)	7 (59%)
• Serving Crime Victims with Disabilities: Meet Us Where We Are			3 (25%)		1 (8%)	1 (8%)	7 (59%)
• Serving Crime Victims with Disabilities: The Time Is Now			2 (17%)	1 (8%)	1 (8%)	1 (8%)	7 (59%)

Comments:

Strengths of this training:

- Good class and much needed class
- Improves knowledge of mental illness
- Sufficient information
- This class helps us as Law Enforcement determine the difference between mental illness and mental retardation
- Gives a better understanding of what to look for and recognize the difference between mentally ill people and mentally retarded peoples.
- Very information and good info, very well presented - to the point

Weaknesses of this training:

- PowerPoint disk could be better

How could this training be improved?:

- Have a laminated card on how to handle situations.
- Don't see any at this time.
- Have an instructor present for questions.
- Using an instructor
- More geared towards officer involvement in the field
- Have instructor teach class