

Criminal Justice Reform Legislative Progress

Discussion Outline:

- Partnership with Families
- Legislative Progress



The Arc®

Virginia

MOBLILIZATION



Legal Reform for the Intellectually
& Developmentally Disabled



Waitlist

Housing
Grey Persons

Criminal
Justice
Brian Kelmar

Inclusive
Education
Chris Cadwallader

DREAM TEAM

This team coordiantes the grassroots advocacy of
The Arc of Virginia's network.

Mobilization Teams

Criminal Justice Reform Goals

Prevention

2020

Consideration of
IDD in Defense

2021

Diversion

2020

Accommodation in
Prison System

2020



Prevention Focus - Family Life Education

Instructs the Department of Education to establish guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others.

2020 LEGISLATIVE PRIORITIES | CRIMINAL JUSTICE PROTECTIONS

Ensuring Comprehensive Family Life Education for Students with Developmental Disabilities

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HB 134 (Runion) SB 186 (Dunnavant, Boysko)

- Currently Family Life Education is not geared toward students with developmental disabilities. This lack of education puts people with developmental disabilities at risk of abuse.
- Without proper education, individuals are also at a higher risk of becoming offenders due to inappropriate behaviors.
- This legislation will not remove parental opt-out or other autonomous decisions of IEP teams; rather, it will simply ensure that appropriate Family Life Education is considered for each student.

Recognition and Diversion in the Criminal Justice System

Creates policy on directing and allowing courts to withhold imposition of a sentence, for cases involving defendants with autism and intellectual and developmental disabilities, and place conditions on the defendant that, when met, allow for the charges to be dismissed.

Internal Policy - HB 659 (Hope) | Recognition & Diversion - SB 133 (Stuart, Boysko)

- People with disabilities are more likely to be arrested, charged with a crime, and serve longer prison sentences once convicted, than those without disabilities.
- Lack of proper education regarding healthy relationships, proper boundaries and social norms, leads to individuals with I/DD having a higher risk of becoming offenders due to inappropriate behaviors.
- The consequences of a finding of guilt has a greater impact on the life of a person with an intellectual or developmental disability, as it impedes their ability to receive services and supports usually available to a person with I/DD to assist them in living their daily lives.

INDIVIDUALS WITH I/DD ARE SUBJECT TO ABUSE AND EXPLOITATION WHEN INCARCERATED AND DENIED EITHER ALTERNATIVES TO INCARCERATION OR APPROPRIATE HABILITATION PROGRAMS THAT WOULD ADDRESS THEIR INTELLECTUAL DISABILITY, AND/OR BEHAVIOR, AND HELP THEM RETURN SAFELY TO THE COMMUNITY.



The Arc of Virginia partners with, *Legal Reform for People Intellectually & Developmentally Disabled*, an organization made up of parents whose children have suffered injustices in the Criminal Justice System in Virginia

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Diversion

Judges may defer sentencing in a finding or pleading of guilt and instead require services or other requirements of probation.

Utilized our state's manifestation language from IEP's to satisfy the legislators that criminal conduct would have to be proven as caused by or had a direct and clear relationship to person's disability.

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Accommodation in CJ System - Department of Corrections

Instructs DOC form a work group of disability advocates to create guidelines and recommendations for accommodations for people with IDD

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Consideration in Defense

The bills will:

- End a 1980s law that bans defendants from introducing evidence about their mental illness, autism, or intellectual/developmental disabilities, including how it may have impacted their mental state at the time of the alleged offense;
- Require a judge to consider such conditions at bail and sentencing stages; and
- Add training for court-appointed lawyers to help them understand the unique considerations of representing people with such conditions.

“For too long, our criminal justice system has disproportionately punished Virginians with mental illnesses, autism, and intellectual and developmental disabilities,” Sen. McClellan said. “With this legislation, defendants with mental health conditions and developmental disabilities will finally be able to have their full story considered in court. This is one of the most significant changes to Virginia’s criminal justice system in recent years. I thank Del. Bourne and all of the advocates who were instrumental in passing SB 1315 as we continue fighting for a fairer justice system for all Virginians.”