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To: Representative Tittl, Chair  
Members, Assembly Committee Mental Health

From: Lisa Pugh, Executive Director

RE: **AB-517** Disability Reporting

The Arc Wisconsin is a statewide organization that advocates for people with intellectual and developmental disabilities (I/DD). We have 15 Wisconsin chapters and are connected to a network of more than 650 chapters across the country. The Arc is the oldest and largest disability rights advocacy organization in the nation.

Many thanks to Representative Quinn for his thoughtful discussion with disability groups as he crafted this legislation. He listened to us and incorporated many important changes.

**Our Position:**

- The Arc Wisconsin is neutral on AB 517 for a variety of reasons and we think a basic amendment could make it much more helpful to people with disabilities and their families.

Specifically, we appreciate that the process to identify oneself as a person with a disability under this new system is voluntary. Voluntariness is an essential component of any program or system that asks people with disabilities to disclose their disability, as that is in accordance with the Americans with Disabilities Act. Thank you to Representative Quinn for hearing our concerns on this issue.

While we do not oppose the intent of this bill to make interactions with law enforcement friendlier and safer, we remain concerned that the process could give many people, including law enforcement, a false sense of security, without enough focus on additional needed systems change and training.

The Arc of the United States receives funding from the Bureau of Justice Assistance through the U.S. Department of Justice to operate the National Center on Criminal Justice and Disability® (NCCJD). This is the first national effort to bring together both victim and suspect/defendant/incarcerated person issues involving people with I/DD. The Arc of the United States' federal policy team has also been examining the broader policy issue of these databases/registries for law enforcement, with the purpose of educating The Arc's chapter network and others about the pros and cons of such policies, so that communities may reach

appropriate solutions that have been thoroughly vetted by various stakeholders, including those with disabilities themselves (often referred to as self-advocates).

The Arc appreciates that the more information police officers have when arriving on scene, the better prepared they can be, but what happens next is key. There are instances where even when accurate disability information is provided, officers still do not know how to respond or interact appropriately, which in some cases, has led to serious injury or death of people with disabilities. In fact, most officers receive little or no training on interacting with individuals with I/DD. When officers are offered any training on disabilities, it's typically focused on mental illness which creates a considerable gap in their knowledge about I/DD.

It is important to consider privacy, and the intersection of protection and increasing risk for vulnerability when a voluntary registry is created. Assurances must be made that the individual with a disability is actually the one choosing to register, and being properly supported to do so.

Voluntary disability registries are not new. They are being used in other states to provide dispatchers and first responders with advance warning of any unique supports, service needs, or disabilities to ensure appropriate response during an emergency. While this is a tool that could theoretically help both officers and people with disabilities, it's very important that effective and on-going training on interacting with people with disabilities is provided for both dispatchers and law enforcement - because identifying disability is only the first step in ensuring that the life and rights of people with I/DD are protected.

#### **Our Recommendations:**

- To address these concerns, The Arc Wisconsin would like the bill to be amended to establish a Task Force, Commission, or Committee that is assigned to this topic (training standards and appropriate community resources) and has all of the appropriate stakeholders in place, namely people with disabilities themselves.

This approach is modeled after effective action in Maryland following the death of Ethan Saylor. In 2013, Ethan, a young man with Down syndrome, went to the theater to see the movie Zero Dark Thirty. While Ethan's support staff brought the car around after the movie ended, Ethan decided he wanted to stay for a second showing. Theater management noticed Ethan did not purchase a second ticket, so they called security. By this time, the support staff returned to the theater and told the security officers, who were three off-duty sheriff's deputies, that Ethan did not like to be touched and that Ethan's mother was on the way to the theater to purchase a second ticket. Despite this information, the deputies decided to remove Ethan from the theater by force. An altercation ensued and after a few moments, Ethan ended up on the floor of the theater. Ethan died moments later from asphyxiation and damage to his larynx.

Ethan's mother and many others believe that a better understanding of Ethan's disability and how to respond to him appropriately could have de-escalated that situation and saved Ethan's life. After his death, she and other disability advocates, including self-advocates, worked with the Maryland Governor to establish a commission where they worked alongside law enforcement to come up with solutions, including mandatory training for all new officers through the police academy, with paid self-advocate trainers.

If Wisconsin wants to effectively address the issue of improved law enforcement response to people with disabilities, we hope we can follow a similar path and ensure that all

stakeholders will have the opportunity to be heard and participate fully in this process of finding solutions.

The Arc Wisconsin is proposing that this bill be amended to require the Department of Justice to convene a Commission as part of its existing charge to support the Wisconsin Law Enforcement Standards Board.

The amendment to the bill could:

- Direct WI DOJ to convene a Task Force/Commission/Committee with the goal of exploring recommendations to improve law enforcement support of and interaction with people with disabilities
- Define minimum membership of the Commission (to include people with disabilities and other experts and stakeholders)
- Provide a deadline for recommendations to be sent to full WI Law Enforcement Standards Board for consideration
- Define a general list of topics the Commission/Task Force/Committee should discuss (including in-service and preparatory standards for officers)

Thank you for considering these suggestions and for your attention to this important issue.