

People With Disabilities Foundation
Abuse Against People with Mental and/or Developmental Disabilities
Part 2: Jails, Prisons, and Law Enforcement
MC Introduction Script

Good afternoon ladies and gentlemen, and thank you for coming to People With Disabilities Foundation's seminar "Part 2, Disability Abuse Against People with Mental and/or Developmental Disabilities: Jails, Prisons, and Law Enforcement." My name is Steve Egler and I am a Staff Attorney at People With Disabilities Foundation. I am pleased to be the MC for today's seminar, which is the 14th in a series of educational seminars ranging in topics from Multiculturalism to employment and education in the psychiatric and/or developmental disabled community.

People With Disabilities Foundation was founded 14 years ago with a mission of total integration of people with mental and/or developmental impairments into the whole of society. PWDF is a Section 501(c)(3) public charity based in San Francisco. Our primary focus is on psychiatric and developmental disabilities. In addition to seminars, we produce training videos for Human Resource Directors and Vocational Rehabilitation counselors and CDs on subjects such as Social Security work incentive programs and Housing. Our other program component is hands-on advocacy in 8 counties for representation in social security cases AND education, employment, healthcare and housing as these areas relate to individuals' mental disabilities.

Our founder and Legal Director, Steven Bruce, has spent over 25 years as an advocate for those with disabilities. He is a member of the California, Florida and the District of Columbia bars and admitted to practice before the US Supreme Court.

Note that the San Francisco Library does not permit us to solicit donations on these premises. Please respect their rules and direct inquiries to our San Francisco office. Our web address is www.pwdf.org or www.peoplewithdisabilities.org.

Topic

Empirical evidence shows that people with mental and/or developmental disabilities are victims of violence at much higher rates than the general population. Our first seminar in this series addressed abuse in the context of residential facilities and community settings. This follow-up seminar addresses disability abuse in the context of prisons, jails, and law enforcement. The percentage of people in jail or prison with severe mental illness is about 24% on average, much higher than the general population. This number does not include people with intellectual and other developmental disabilities such as autism.

Disability abuse can occur in the form of physical, emotional or sexual abuse or neglect. According to the San Mateo County Adult Protective Services, physical abuse includes an intentional act that causes someone physical pain, injury or suffering and can include excessive forms of restraint. Emotional or verbal abuse is threatening, intimidating or humiliating an individual and causing them emotional pain, distress or anguish. It includes insults, yelling and threats. Sexual abuse is sexual activity to which a person does not consent or is incapable of consenting. Neglect is when a caregiver

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intentionally or unintentionally fails to support the physical, emotional or social needs of the person. This can include denying food, medication, health services, or contact with friends and family.

We encourage audience participation during the seminar but PLEASE wait for the microphone to be brought to you. There will be one 15-minute intermission midway through the seminar.

If you are attending for continuing education credits, please be sure that you sign in on the proper form at the registration desk and turn in the evaluations before you leave. For legal continuing education, certificates will be available at the end of the seminar. For behavioral health providers, we will send you your certificates. Please also sign up to receive our e-newsletters on PWDF's sign in sheet.

If you have not already done so, please pick up the handouts at the entrance to the auditorium. Many of the handouts and other materials from this seminar may available on our website in the upcoming weeks.

We are honored to have several speakers today who have extensive expertise on this topic. They are:

Thomas Nolan, Esq., an Associate at Rosen Bien Galvan & Grunfeld, LLP, in San Francisco, CA. Mr. Nolan has litigated civil rights suits against the California Department of Corrections and Rehabilitation on behalf of inmates with mental illness.

Dr. John Dusay, a Board Certified Psychiatrist in San Francisco, CA and former consultant for the California Department of Corrections.

And

Lee Todd, a former attorney who has first-hand experience with mental health issues in a law enforcement context.

Our moderators today are Steven Bruce, Esq., Legal Director, People With Disabilities Foundation; Former Senior Staff Attorney, Social Security Administration and HHS Office for Civil Rights; and April Banerjee, PWDF'S Public Awareness and Education Program Manager, who is also an attorney.

Mr. Nolan, our legal expert, will go over the legal framework that gives rise to the protections afforded to people and inmates in jail or prison or otherwise in custody, including the 8th amendment's prohibition on cruel and unusual punishment, Title II of the ADA, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination on the basis of disability in accessing any service or program including receiving medical treatment, food, etc. The Civil Rights of Institutionalized Persons Act

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of 1980 is for state institutions as well as nursing homes. Voluntary compliance is the sought-after remedy under this statute

Dr. Dusay will review common severe mental or developmental disorders in the jail/prison population and Ms. Lee will relate her personal experience.

In 1988 the Memphis, Tennessee police department initiated the nation's first Crisis Intervention Team and in 2011 San Francisco used this model after an unarmed man was killed by the San Francisco police in front of this county's Behavioral Health Services office. CIT is for pre-arrest jail diversion for those in a mental illness crisis. This program provides law enforcement based crisis intervention training for helping those individuals with mental illness.

Just a few last reminders: food and beverages are not allowed in the auditorium. Emergency exits are located through the side doors on both sides of the stage and through the main stairway outside the Auditorium entrance. The emergency exit for wheelchairs is through the main entrance at the back of the auditorium. In an emergency situation, please follow the directions given. Please make sure that your cell phone ringers are turned off.

Thank you for coming and for participating in this important discussion.

With that said, I will pass the microphone to Steven Bruce, PWDF's Legal Director.