

Protection & Advocacy Agencies: Partners for Police and Prosecutors

What are P&As?

The Protection and Advocacy (P&A) network was created by Congress to provide legal representation and other advocacy services to all people with disabilities. There is a P&A agency in every state and territory, the District of Columbia, and one serving the Native American community in the Four Corners Region. P&As have a federal legislative mandate to safeguard the well-being of individuals living in institutions, protect them from abuse and neglect wherever they live, work, or go to school, and to ensure full access to inclusive educational programs, financial entitlements, healthcare, accessible housing, transportation, voting, and productive employment opportunities.

How can a P&A help me?

P&As provide legal advocacy in a number of areas that could help a law enforcement agent or prosecutor. Some of the areas that you might consider:

Education: The Individuals with Disabilities Education Act (IDEA) ensures a free and appropriate public education for people with disabilities. Many individuals have contact with the criminal justice system because of behaviors in school that are the result of their disability. Police and prosecutors should consider the P&A network as a resource because P&As oftentimes assist schools in designing effective educational plans that address these behaviors before they become criminal.

Abuse and Neglect: P&As have special federal authority to investigate abuse and neglect and inspect any facility that provides services to an individual with disabilities. P&As are experts that can be invaluable when investigating these issues. Prosecutors can consult with P&As when these allegations arise in your community in order to collaboratively uncover and remediate incidences of abuse or neglect. P&As are also effective resources because they work systemically when patterns of abuse or neglect are reported to local police departments

Rights of Persons with Disabilities: Many P&As provide online training and most are willing to provide more in-depth instruction on the rights of persons with disabilities. P&As provide many police departments and prosecutor's offices with information about the various laws

concerning involuntary evaluation and treatment of individuals with mental illness or developmental disabilities.

Medicaid Waiver: Many of the individuals seen in encounters with police or prosecutors are individuals struggling with unmet financial or medical burdens. The Medicaid system is oftentimes cumbersome and difficult to navigate. P&As have extensive experience in advocating for individuals with disabilities in this area. When individuals have the medical care that they need, they have less contact with police and prosecutors.

Housing Rights: Providing housing for people with disabilities can decrease the number of arrests by approximately 65%. Unfortunately, these same people are at risk for high rates of housing discrimination. P&As are great resources for identifying housing options for persons with disabilities. P&As also often represent people who have experienced housing discrimination and can mediate.

Americans with Disabilities Act (ADA): Police departments are subject to a variety of requirements under the ADA, both before and after an arrest is made. P&As can provide education and training to your local police force about effective reasonable accommodation practices. Additionally, many P&As inspect facilities and make recommendations about physical access for people with disabilities.

How can I work with the P&A?

P&As have worked with a number of private and non-profit partners on every phase of advocacy and litigation.

- Training for your officers/prosecutors
- Collaboration around investigations
- Resources and connections to services for clients with whom you work

You can find the P&A in your jurisdiction at ndrn.org/member-agencies.

Contacts for Additional Information

Philip Fornaci
Staff Attorney
National Disability Rights Network
philip.fornaci@ndrn.org

Diane Smith Howard
Managing Attorney for Criminal & Juvenile Justice
National Disability Rights Network
diane.smithhoward@ndrn.org