

Reginald "Neli" Latson Granted Pardon After Advocates Call for Treatment, Not Punishment

January 20, 2015: Today Virginia Gov. Terry McAuliffe signed a conditional pardon, finally ending the nearly five-year inhuman cycle of arrest, incarceration and harsh punishment for Reginald "Neli" Latson, a young man with autism and an intellectual disability. This pardon will allow Latson to get treatment and services in a placement in the developmental disabilities system instead of continuing to serve time in prison, where he was at times held in solitary confinement and denied needed mental health and developmental disabilities services.

The disability community rallied in support of Latson's cause. Thousands of people wrote letters, posted on social media and signed petitions urging Governor McAuliffe to grant a pardon.

"We commend Gov. McAuliffe for his leadership and recognition that it is wrong to punish people like Neli for behaviors related to their disabilities instead of getting them help," said Alison Barkoff, Bazelon Center Director of Advocacy. "We hope that Gov. McAuliffe's actions will not only help Latson but will spur systemic change to prevent unnecessary interactions between law enforcement and Virginians with disabilities in the first place."

The Bazelon Center hopes that this pardon is the first step in providing appropriate services and supports to Latson in the most integrated setting appropriate to his needs as required by the Americans with Disabilities Act and the Supreme Court's decision in *Olmstead v. L.C.*

Previous update:

Reginald Latson Enters Plea; Governor Urged to Grant Pardon Allowing Treatment, Not Punishment

January 9, 2015 -- Reginald "Neli" Latson, a 23-year-old with autism, has pleaded guilty to assaulting a correctional officer in exchange for a six-month sentence. The assault charge and the charges that led to Latson's previous incarceration were filed due to behavior resulting from his disability. When asked to end the unjust treatment of Latson, Virginia Gov. Terry McAuliffe said he could not intervene until the criminal case was resolved. Now the governor can and should act. The Bazelon Center again urges Gov. McAuliffe to grant Latson the pardon that will allow him to receive appropriate care.

[Read commentary on the case by Ruth Marcus of *The Washington Post*.](#)

See our original statement below.

Washington, D.C. - January 6, 2015 - The Judge David L. Bazelon Center for Mental Health Law today issued the following statement on the plight of Reginald Latson:

Reginald "Neli" Latson - a young man with autism and an intellectual disability -- has been subjected to a cycle of arrest and incarceration for behaviors that are a result of his disabilities. The unjust treatment of Latson continues this week as he faces new

charges by a prosecutor who is pressing for long-term incarceration despite a recommendation by Virginia developmental disabilities system officials for an alternative placement in the developmental disabilities system where Latson can instead get services and treatment.

His odyssey in the criminal justice system began with a 2010 arrest for an altercation with a police officer who approached and then attempted to physically detain him based on a report that Latson, then an 18-year-old African American special education student dressed in a hooded sweatshirt, looked "suspicious" as he waited outside a public library for it to open. Though Latson was indisputably unarmed and had done nothing wrong prior to the officer's approach, the officer was seriously injured, and Latson served two years of a 10-year sentence before being released on probation to a group home. The saga continued with an arrest after the group home called the police - instead of the behavioral health crisis system - when he was experiencing a psychiatric crisis and was suicidal. Although the officer was not injured, Latson was again charged and sentenced to incarceration, and the probation in the first case was revoked.

This counterproductive and inhumane cycle continues with charges Latson is scheduled to face this week stemming from an altercation with a prison guard that occurred when he was being moved to a crisis cell while in psychiatric crisis and suicidal. There was no serious injury to anyone in this incident other than Latson, who was shot with a Taser and bound for hours in a restraint chair. Nonetheless, a new felony prosecution was initiated.

Latson has decompensated during his incarceration, where he has not received treatment and instead has spent most of his time in solitary confinement. His situation is particularly shameful given the commitments Virginia has made in a settlement agreement with the U.S. Department of Justice to provide community services - including crisis response services and training for law enforcement - to prevent the unnecessary institutionalization of Virginians with intellectual and developmental disabilities, including in jails and prisons.

State Officials from Virginia's developmental disabilities system agree that Latson needs treatment, not punishment, and have identified an alternative placement in the developmental disabilities system. Yet Stafford County Commonwealth's Attorney Eric Olsen -- who has argued in court that Latson's disability is "an aspect of convenience" -- is insisting on bringing this latest charge. If the prosecutor refuses to do the right thing and allow Latson to get treatment instead of more punishment, Virginia Gov. Terry McAuliffe should act in the interest of justice and issue Latson a pardon that allows him to receive appropriate treatment.

"Community services - not law enforcement - are the appropriate response to people who are experiencing behavioral health crises. We know that access to community services significantly lowers the risk of encounters between law enforcement and people with mental disabilities," said Alison Barkoff, Bazelon Center Director of Advocacy. "Virginia has committed to providing these critical community services. It still has work to do to make these promises a reality."

The Bazelon Center joins with the American Civil Liberties Union of Virginia, the Arc of the United States and of Virginia and others in calling on Stafford County Commonwealth's Attorney Eric Olsen and Gov. Terry McAuliffe to give Reginald Latson access to care, not incarceration. We also urge anyone who believes in justice and appropriate treatment of people with disabilities to contact Prosecutor Olsen (Phone: [540-658-8780](tel:540-658-8780) or on Twitter at @ericolsenforca) and the governor's office (Phone: [804-786-2211](tel:804-786-2211); via email by clicking [here](#); or on Twitter at @GovernorVA) to make your voices heard.

The following links provide more information on Reginald Latson's case:

AP article, January 4, 2015:

http://www.nytimes.com/aponline/2015/01/04/us/ap-us-inmate-autism.html?_r=0_

Virginian-Pilot editorial, Jan 2, 2015:

http://hamptonroads.com/2015/01/mental-disability-not-crime_

Washington Post, Ruth Marcus op-ed columns:

http://www.washingtonpost.com/opinions/ruth-marcus-reginald-latsons-case-points-to-a-scandal-in-us-prisons/2014/12/23/ac64c6c2-8ae0-11e4-8ff4-fb93129c9c8b_story.html

http://www.washingtonpost.com/opinions/ruth-marcus-why-is-reginald-latson-being-denied-the-help-he-needs/2014/11/28/a6c5e2c0-771f-11e4-bd1b-03009bd3e984_story.html

http://www.washingtonpost.com/opinions/ruth-marcus-in-virginia-a-cruel-and-unusual-punishment-for-autism/2014/11/14/9d7f6108-6c3b-11e4-b053-65cea7903f2e_story.html

Washington Post Editorial, Dec 8:

http://www.washingtonpost.com/opinions/an-autistic-man-caught-in-the-criminal-justice-system/2014/12/07/2d2af6b8-7b42-11e4-b821-503cc7efed9e_story.html

Arc of Virginia webpage:

<http://www.thearcofva.org/advocacy/current-advocacy-issues-and-activities/reginald-neli-latson/ct>