

# An Overview of the Unique Challenges Faced by Criminal Suspects and Offenders with I/DD

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The National Center on Criminal Justice and Disability™



**The Arc**®

National Center on  
Criminal Justice & Disability  
Criminal Justice & Disability

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# What is NCCJD?

- Training & Technical Assistance Center funded by Bureau of Justice Assistance (BJA)
- First national effort to address both victim/witness and suspect/offender issues at the same time
- National clearinghouse for information and training on people with disabilities in the criminal justice system (focus on I/DD)



# NCCJD's Goal

Build the capacity of the criminal justice system to respond to gaps in existing services for people with disabilities, with a focus on I/DD



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# Strategies to Build Capacity

- Previously, there was no nationally unified, connected group of advocates or self-advocates addressing the issue of criminal justice for people with disabilities
- NCCJD's **Pathways to Justice™** Training Curriculum creates **Disability Response Teams** (locally based multidisciplinary teams equipped to provide training and handle criminal justice issues)



# Pathways to Justice™ Video

<https://www.youtube.com/watch?v=aZXe03aaWJ0>



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# NCCJD Products and Services

- I&R and Technical Assistance with online request form
- Free webinars on a variety of criminal justice topics
- Publications:
  - Fact sheets: ASD, FASD, ID, Mental Illness
  - Profession Specific Tip Sheets: Law Enforcement, Victim Services Providers, Attorneys
  - White papers: Victimization, Sex Offenders, Juveniles
- Web Site with on-line resource library, including state-by-state database of resources, model legislation, and expert witnesses
- Pathways to Justice™ Training Curriculum



# Overrepresentation

- Represent 4-10% of prison population, with even more in juvenile facilities and jails
- National survey of education services in juvenile corrections found 33% received special education services
- An estimated 70% of justice-involved youth have disabilities (including I/DD and mental illness)



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# Challenges in the Criminal Justice System

## As Suspects/Offenders:

- Not want their disability to be noticed
- Not understand their rights, but pretend to
- Say what they think others want to hear
- Have little options for alternative sentencing and/or treatment

## As Victims/Witnesses

- Easily victimized and targeted for victimization
- Less likely to be able to report
- Easily influenced by and eager to please others
- Think that perpetrator is a “friend”
- Not be considered a credible witness





# Disadvantages in the System

Other challenges faced by people with I/DD:

- Frequently devalued, ignored; their cases are rarely prosecuted
- Routinely excluded in CJ system due to stereotyped views (ex: incompetent to testify)
- Often denied due process and effective representation
- Abused, exploited and often excluded from rehabilitative programs when incarcerated



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# Disadvantages in the System

- Disability is often not identified
- False confessions common due to desire to please officer/investigator
- Placed in institutions to “regain” competency
- Often unable to assist in own defense
- Rights are waived unknowingly
- Denied right to speak when testimony deemed not credible



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# Disability Response Team (DRT) *Hosted by Chapters of The Arc*

Criminal Justice  
Professionals

Disability  
Community

Law  
Enforcement

Victim  
Services  
Providers

Legal  
professionals

Family  
advocates

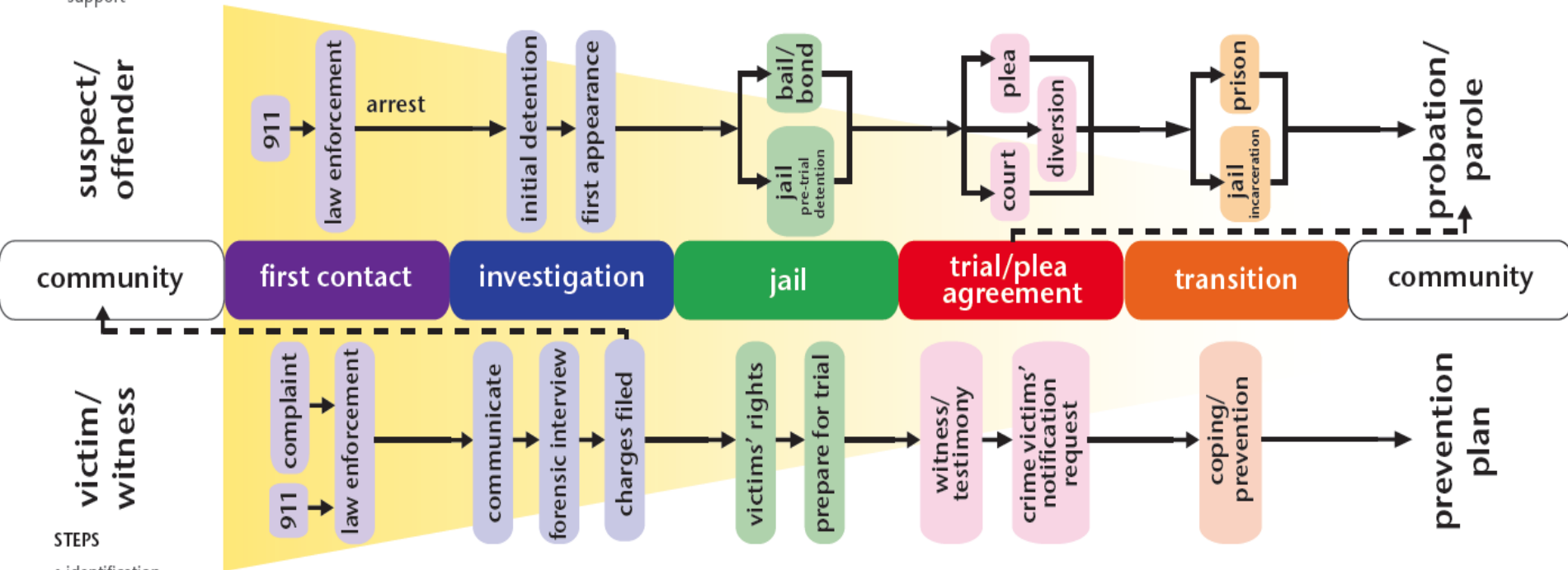
Disability  
advocates  
(other than  
The Arc)

Self-  
advocates

# Pathways to Justice™ Model


**STEPS:**

- identification
- accomodations
- support



**STEPS**

- identification
- accomodations
- support

 Indicates number of people intersecting with system.

# Emerging Issues

- Autism and child pornography; sex offenders
- Competency and competency restoration
- Housing/Treatment facilities for individuals with serious criminal charges
- Personalized Justice Plans



# Sex Offenders with I/DD

- Webinar and White Paper forthcoming (July 30<sup>th</sup>)
- Autism and child pornography
- Statutory offenses
- Sex Offender Registration Ramifications

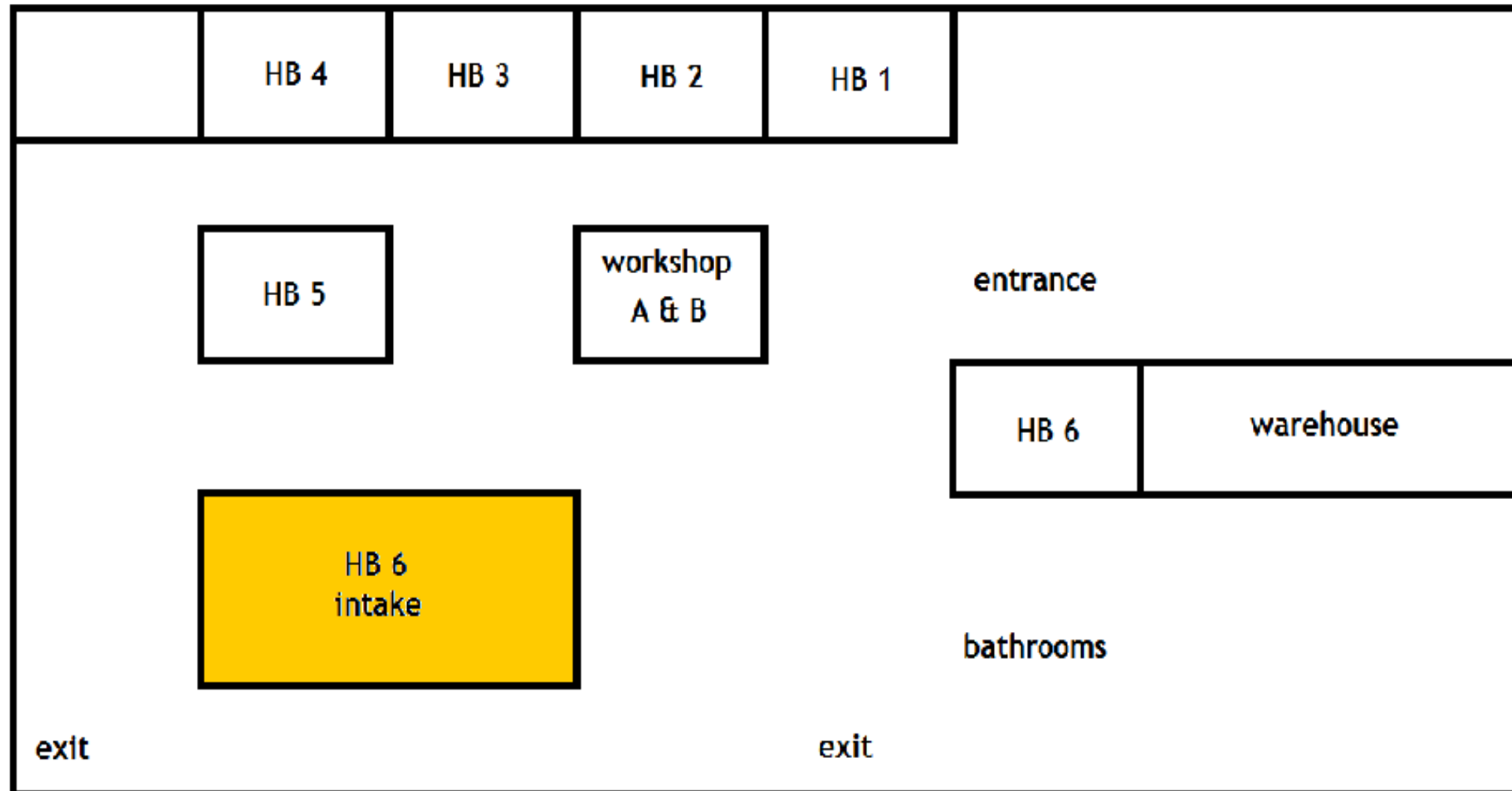


# Competency and Competency Restoration

- Where are people awaiting competency restoration once deemed incompetent?
- How often are they receiving restoration training?



# Housing and Treatment Facilities for People with Serious Criminal Charges





# Personalized Justice Plans

- Support professionals will review the Community Rules with Steve prior to every community outing. The rules are on a laminated card. Steve has memorized the rules and will rapidly state them. Ask him to **slowly** read each rule. After reviewing the rules, ask Steve if he would like to carry the card and honor his choice. These rules expand rules associated with the previous behavior support plan. The rules are as follows:
  - Do not touch other people except handshake with adult
  - Do not go into a kid's store or a store with a kid's department
  - Do not talk to children
  - Stay within arm's length of the support professional
  - Keep hands out of pockets
  - Do not touch myself inappropriately
  - Look at people at head level
- Violation of Rules 1-3 results in immediate termination of the outing. Staff will prompt Steve to follow to follow Rules 4, 5, 6, and/or 7 above. If he continues to be unable to follow those rules (4-7) after one prompt, the outing will be immediately terminated.



# Questions?

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