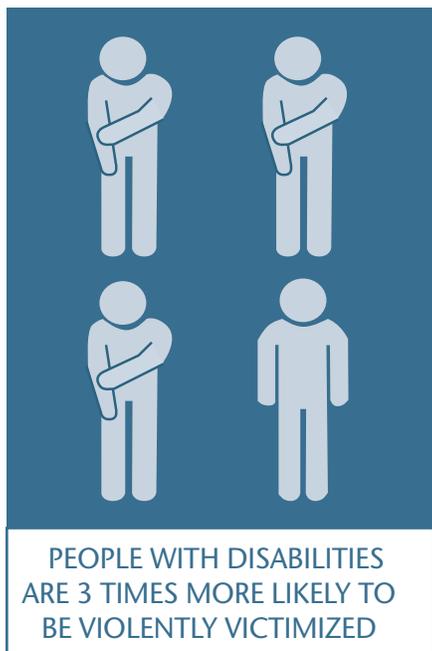


Pathways to Justice™: Get the Facts

INTELLECTUAL DISABILITY (ID)



National Center on Criminal Justice & Disability NCCJD™

For more information, visit our website at:

www.thearc.org/NCCJD

Contact us:

Phone: 202.433.5255

Toll free: 800.433.5255

Email: NCCJInfo@thearc.org

 facebook.com/NCCJD

Facts

Intellectual Disability (ID) is characterized by significant limitations in both intellectual functioning (IQ of 70-75 or below) and adaptive behavior, which covers conceptual, social, and practical skills. This disability must originate before the age of 18.

Intelligence refers to general mental capability and involves the ability to reason, plan, solve problems, think abstractly, comprehend complex ideas, learn quickly, and learn from experience. The most common disabilities associated with ID are Autism Spectrum Disorder (ASD), Down syndrome, Fragile X syndrome and Fetal Alcohol Spectrum Disorder (FASD). Somewhere between 1 and 3 percent of Americans have an intellectual disability.

Criminal Justice Involvement

As Victims:

- In 2012, the age-adjusted rate of violent victimization for persons with disabilities was nearly three times the rate among persons without disabilities.
- Children with disabilities are two to three times more likely to be bullied than their peers without disabilities.
- Among different disability types measured, people with cognitive disabilities experience the highest rate of victimization

As Suspects / Offenders:

- While people with ID comprise 1% to 3% of the general population, they represent 4% to 10% of the prison population, with an even greater number in juvenile facilities or jails.
- An estimated 70% of youth with disabilities are involved in the juvenile justice system, and most due to minor offenses.
- Research suggests that sex offenses are common among people with ID. However, this is often due to “counterfeit deviance,” an occurrence of inappropriate sexual behavior due to a cause other than deviant sexual arousal (e.g., lack of education, desire for attention, ignorance).
- People with I/DD are especially vulnerable during police interrogations and are more likely to give coerced confessions, sometimes resulting in execution.

Identification

- Between 85–89% of people with ID have mild impairments, which often makes identification of the disability challenging.

Find out if the person:

- Has a caseworker/friend at a center or group home
- Has an identification that provides a phone number

Intellectual Disability (ID) Fact Sheet

- Appears too open to being led or too eager to please questioning officers
- Has difficulty communicating events in his or her own words (without mimicking responses)
- Seems overly awed or intimidated by the police uniform, badge, gun, etc.
- Seems to agree to everything asked

As victims, individuals may:

- be less likely or less able to report victimization
- think their experience is normal, not label behavior as abusive, and not realize the victimization is a crime
- think the perpetrator is a “friend”
- be unaware of how serious or dangerous the situation is
- not be considered as credible witnesses, even in situations where such assumption is unwarranted
- have very few ways to get help, get to a safe place or obtain victim services or counseling

As suspects, individuals may:

- not want their disability to be recognized (and try to cover it up)
- not understand but pretend to understand their rights
- act upset at being detained and/or try to run away
- say what they think officers want to hear
- be confused about who is responsible for the crime and “confess” even though innocent

Communication Tips

- Find a quiet area free from distractions
- Speak directly to the person
- Keep sentences short
- Use plain or simple language
- Speak slowly and clearly
- Do not touch the person
- Ask for and use concrete descriptions (color, clothing, etc.)
- Do not use ambiguous phrases like “cut it out” or “knock it off”
- Break instructions into the smallest possible parts
- Use pictures, symbols, and actions to help convey meaning

- Identify yourself clearly—make sure to explain your role, perhaps more than once
- Be aware that individuals may not readily recall facts about themselves (e.g., age, birth, date, address)
- Be aware that the person may have multiple disabilities (e.g., deafness, blindness)

Be PATIENT

- Take time giving or asking for information (sometimes a 5 or 10 count to wait for comprehension is helpful);
- Invite the person to use paper and pen to draw or write, or to reduce stress
- Avoid asking confusing or complex questions that require abstract reasoning abilities
- Do not be upset or distracted by noises they may make or other factors that may be a manifestation of their disability
- Do not be upset with a high level of distractability or short attention span
- Do not lie to suspects during interrogations
- Make sure to ask if they want to call someone to accompany them BEFORE initiating an interview
- Ask questions more than once and ask in a different way to gauge comprehension
- Use firm and calm persistence if the person doesn’t comply or acts aggressively
- Don’t ask leading questions and avoid yes/no answers
- Use open body language

Remember

- If the person is the age of an adult, treat them like an adult regardless of mental ability
- Don’t assume that someone is “totally incapable” of understanding, but be willing to slow down when communicating—seek assistance from a disability advocate or agency
- Be respectful!

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