"Recognizing, Investigating, Documenting AF/AB"
CJA Training
Saint Louis  Sep 2011
Key Topics:

• Role of AB ...
• Some reminders
• Notes on Definition
• AB Domains & Skill Areas
• Prong 2 findings -- why cases fail
• AB assessment issues
• Recommendations
FYI #1:
(1) AAIDD DP Task Force: "Manual on Appropriate Practices"

FYI #2:
(2) More...
FYI #1:
(1) AAI DD DP Task Force:
"Manual on Appropriate Practices"

FYI #2:
(2) Meadows Center - UT:
"Disability & Criminal Justice Clearinghouse"
www.meadowscenter.org
<table>
<thead>
<tr>
<th>ID/Source</th>
<th>Topic/Category</th>
<th>Citation (APA)</th>
<th>Description</th>
<th>Section</th>
<th>Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen/Evans/Hider/Hawkins/Peckett/Morgan</td>
<td></td>
<td>Allen, D., Evans, C., Hider, A., Hawkins, S., Peckett, H., &amp; Morgan, H. (2008). Offending behaviour in adults with Asperger syndrome. <em>Journal of Autism and Developmental Disorders</em>, 38(4), 748-758.</td>
<td>Article describes a study that investigates the prevalence of Asperger syndrome and specific offending behaviors evidenced by individuals with this disorder in the criminal justice/mental health systems in order to discover meaningful patterns among the offenses and their dispositions. Additionally, the article describes personal experiences of individuals with Asperger syndrome within these systems.</td>
<td>Adults</td>
<td>law enforcement, mental health professionals</td>
</tr>
<tr>
<td>National Autistic Society</td>
<td></td>
<td>National Autistic Society. (2006). ASDs and involvement in the criminal justice system. Autism Awareness Centre, Inc. Retrieved from <a href="http://www.autismawarenesscentre.com/article-library/autism--asperger-syndrome/26-asds-and-involvement-in-the-criminal-justice-system">http://www.autismawarenesscentre.com/article-library/autism--asperger-syndrome/26-asds-and-involvement-in-the-criminal-justice-system</a></td>
<td>Article provides an overview of why individuals with Autism Spectrum Disorder may come into contact with the criminal justice system, the procedures involved when advising the police on how to approach individuals with these disorders, and the sources of support that are available to these individuals and those who serve as their advocates.</td>
<td>Adolescents/Adults</td>
<td>advocacy groups/law enforcement/mental health professionals</td>
</tr>
<tr>
<td>Barnhill</td>
<td></td>
<td>Barnhill, G. P. (2004). Asperger syndrome: A guide for secondary school principals. <em>Principal Leadership Magazine</em>, 5(3), 11-15.</td>
<td>Article discusses the characteristics of individuals with Asperger syndrome as well as strategies that can be implemented in the classroom and at home to address some of the problematic behaviors individuals with Asperger syndrome at times exhibit. Article also makes the case for teachers to be trained to recognize this disorder so that students with Asperger syndrome do not go undiagnosed.</td>
<td>Adolescents</td>
<td>families/principals/teachers</td>
</tr>
<tr>
<td>Barnoff</td>
<td></td>
<td>Barnoff, G. S. (2003). Establishing mental retardation</td>
<td>Article explores problems that can arise when classifying someone as having mental retardation.</td>
<td>Adults</td>
<td>attorneys/parents/teachers</td>
</tr>
</tbody>
</table>
The Disability and Criminal Justice Clearinghouse

What is the purpose of this website?
This website has been developed to provide information and possible point of contact for a range of professionals who work with or have interest in youth and adults with disabilities who encounter the criminal justice system. As a clearinghouse for disseminating information to interested parties, efforts will be made to identify, list, and share information related to an array of topics/issues related to various persons with disabilities.

Who will find this site useful?
This site will be particularly useful to professionals such as lawyers, investigators, law enforcement personnel, judges, correctional educators, teachers (public or private settings), social workers, and anyone else who has interest in this topic.

What type of information is provided?
The primary type of information that is provided is links to professional resources. When possible, a PDF of the actual resource will be available to download. In cases where this is not possible, complete reference information will be provided, and a link that will enable one to access this information will be offered when possible. The website also provides a mechanism whereby the user can contact the principal xxxx of the website to request links to professionals who might be able to provide more detailed information and expertise on specific topics.

How does one use this website?
The website has been organized in general by level (juvenile, adult) and topic. This framework was chosen because many of the topics/issues should be of interest to more than one type of professional. We have also included a "search" function so that the user can locate topics of interest in a more efficient manner.
Role of AB Information:

- MR determination -- prong 2
- other mitigation uses!! ... formalizes/strengthens the "story"
In other words ... the presence of weaknesses -- NOT the absence of strengths -- determines MR
Notes on Definition:

- recognized professional dfs
- state deviations [J. Blume et al., 2009]
AB Domains & Skill Areas:

- AAIDD: 3 areas
- DSM-IV-TR: 11 areas
- what do they mean -- table!
<table>
<thead>
<tr>
<th>Domain</th>
<th>Skill Area</th>
<th>Description</th>
<th>Example of Skills</th>
<th>Cautions</th>
</tr>
</thead>
</table>
| Conceptual    | Communication      | Receptive, expressive, & pragmatic language skills                         | • Follows directions  
• Expresses feelings  
• Engages in appropriate social conversations | • Higher language skills than expected |
|               | Functional Academics | Reading, math, writing skills in applied situations                       | • Reads a variety of materials  
• Performs everyday math skills  
• Writes assignments, letters, and other materials | • Failing grades  
• Low test scores  
• No special education  
• Other services |
| Self-Direction|                    | Skills associate with self-regulation, problem solving, and goal setting    | • Has chores & other responsibilities  
• Can work out solutions to common everyday problems that arise  
• Sets goals, plans, and acts on plans | • Not seen as easily at younger ages  
• Difficulty applying problem solving strategies to new situations  
• Big difference between simple and complex planning |
| Practical | Self-Care | Skills associated with everyday personal skills | • Eating  
• Bathing  
• Dressing  
• Grooming | • Most of these skills should not be issues for adolescents  
• Need for support is important |
|----------|----------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|          | Home Living | Ability to perform tasks in the home setting | • Cooking  
• Laundry  
• Cleaning  
• Home repairs | • Some individuals may not have opportunity to perform certain activities  
• Some activities are gender-assigned |
|          | Community Use | Skills associated with using services in the community | • Public transportation  
• Shopping  
• Eating in various types of establishments  
• Public services – post office  
• Private services – doctor, dentist | • Some individuals have little opportunity to perform some of these activities |
|          | Health/Safety | Ability to manage one’s health and demonstrate behavior that is safe | • Knows how to take care of self – physical illness/injury or emotional/mental issues  
• Displays behavior that is safe at home, at school, in the community, or on the job | • Age-appropriateness is a key factor  
• Repeat of inappropriate behavior is noteworthy |
|          | Work | Range of skills associated with obtaining and maintaining a job | • Knowing about jobs  
• Applying for job – filling in app; interviewing  
• Duties of job  
• Performance  
• Getting along with co-workers  
• Need for supervision  
• Promotion | • Many jobs may seem difficult or complicated – but they are not  
• Importance of supports during all phases of job history |
| Social | Social | Ability to interact/get along with others; gullibility/naivete | Has friends  
Is able to interact with people he does not know  
Interacts with others of same age  
Can be taken advantage of/talked into doing things  
Seems unaware of the nature of various situations | The quality/depth of friendships is important  
Can have girlfriends  
May be a leader – typically of younger individuals |
| --- | --- | --- | --- | --- |
| Leisure | Leisure | Use of non-school or non-work time; indoor & outdoor activities | Has hobbies  
Plays sports  
Understands rules, consequences | Some individuals may be very good athletes |
AB Domains & Skill Areas: (cont.)

- most frequently proven areas ...
... "Holy Trinity +1"

(Blume et al., 2009)
Prong 2: Skill Areas

Most Frequently Proven Adaptive Deficits
Percent of Winning Cases

- Functional Academics
- Social Skills
- Communication
- Work Skills
WHY CASES LOSE

- Reasons court have offered for finding that the defendant did not have deficits in adaptive functioning.
  - D could “read, write and perform some rudimentary math”
  - D has “adapted to the criminal life”
  - The crime was “too sophisticated” for a mentally retarded person
  - D attempted to “cover up” the crime
  - D lied to the police
  - D gave a detailed confession
  - D married 3 times
  - D maintained construction jobs
  - D had a driver’s license
  - D was never in special education classes
  - D could operate a microwave
  - D read children’s books and the Bible
  - D took notes during trial
  - D’s trial testimony was coherent
  - D communicated with counsel
Prong 2 Findings (Blume et al., 2009)
  • focus on prison behavior
Prong 2: Behavior in Prison

Percent of Losing Claims

- Some aspect of prison behavior
- Positive adjustment/received education
- Officer testimony
- Prisoner seen w books or magazines
Assessment Techniques:
- Formal
- Informal ... PIABI ...
  in "A Practioner's Guide"
 (+ article)
Formal Instruments:
  • Adaptive Behavior Assessment System (ABAS-II)
  • Vineland Adaptive Behavior Scales

Prong 2 Findings (Blume et al., 2009)
  • focus on prison behavior
Functional Academic Skills

Reading

- What types of reading material (books, newspapers, magazines) did/does X like to read? [details, specific examples]
- How often did X read as a child? As an adolescent? As an adult?
- When X was in school, how well did X read textbooks and other materials?
- In general, how well does X read?
- How well does X say the correct sound of letters he/she sees?
- How well does X read specific words?
- How well does X understand what he/she reads?
- How well does X read …
  - the newspaper?
  - mail or other notes written for him/her?
  - labels on cans of food or other materials?
  - directions on medication labels?
  - manuals that explain how to do something?
  - notices or flyers that are put in public places?
  - menus in unfamiliar restaurants?
  - applications and other formal documents?
  - signs in the community?
  - books written for adults (novels)?

Writing

- In which situations does X write?
- In general, how well does X write?
- How well does X spell words?
- When X was in school, how well did X do when he/she had to write a paper that included many paragraphs?
- How well does X write sentences? Paragraphs?
- How well does X use writing to write …
  - a personal letter to someone else?
  - down a phone message on a piece of paper?
  - notes to himself/herself?
  - information on an application?
  - message on a birthday card?
  - short paper on a topic?
  - email or text message?

Math

- In general, how well does X do math?
- Can X count to ten? To one hundred?
Individuals with Intellectual and Developmental Disabilities in the Criminal Justice System and Implications for Transition Planning

Tammy Smith
Campbell County (VA) Schools

Edward A. Polloway
Lynchburg College

James R. Patton
University of Texas at Austin

Julia F. Beyer
Lynchburg College
<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gullibility</td>
<td>Phenomenon of being duped or lied to and often involving some degree of victimization</td>
<td>Taken advantage of</td>
</tr>
<tr>
<td>Acquiescence</td>
<td>Tendency to give in when under pressure</td>
<td>Talked into doing things for which one does not understand consequences</td>
</tr>
<tr>
<td>Naiveté</td>
<td>Inexperienced, credulous</td>
<td>Accepts what someone says without question</td>
</tr>
<tr>
<td>Desire to please</td>
<td>Interest in pleasing another</td>
<td>Does not catch subtlety of situations</td>
</tr>
<tr>
<td>Concrete thinking</td>
<td>Inability to understand abstract concepts</td>
<td>Not likely to recognize seriousness of what he or she is being accused of</td>
</tr>
<tr>
<td>Memory issues</td>
<td>Difficulty with short-term memory</td>
<td>Likely to get confused as to complexities of a crime</td>
</tr>
<tr>
<td>Language problems</td>
<td>Difficulty with receptive and expressive language</td>
<td>Does not understand what is being said</td>
</tr>
<tr>
<td>Social behaviors</td>
<td>Displays certain emotions or feelings</td>
<td>May display a behavior (e.g., laughing) that suggests a lack of remorse at an inappropriate time (e.g., during trial)</td>
</tr>
<tr>
<td>Cloak of competence</td>
<td>Attempt to pass as 'normal'</td>
<td>May go to great lengths to deny or hide limitations</td>
</tr>
</tbody>
</table>

AB Assessment Issues -- that linger!

- assessment methodology - formal!!
- to whom do we administer ...
- at which point in life do we look
- credible & useful respondents ... factors
- context of individual's community environment
- if informal, what is "significant"
- retrospective
- self-report
- records
JrP's Recommendations -- AB:

- team approach -- mitigation specialist!!
- multiple experts -- prong 1 + prong 2
- face-to-face
- repeat visits
- deconstruct the "relative" strengths