

**"Recognizing,
Investigating,
Documenting AF/AB"
CJA Training
Saint Louis Sep 2011**

at linger!
y - formal!!
ter ...
we look
lents ... factors
mmunity environment
icant"

techniques:
... PIABI ...
ctioner's Guide"
le)

... AB:
mitigation specialist!!
prong 1 + prong 2
construct the "relative" strengths

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Key ...
• A
• Sol
• Note
• AB Doi
• Prong 2
• AB assessm
• Recommenda

FYI #1:
(1) AAIDD DP 1
"Manual on Approp

FYI #2:
(2) Meadow
"Disal

Role of AB Information
• MR determination
• other mitigation
formalizes/streng

Reminders:
• terminology
MR>ID
• AB assessment
current condition
• "strengths often
with weaknesses"

Notes on Defini
• recognize
• state d

Key Topics:

- Role of AB ...
- Some reminders
- Notes on Definition
- AB Domains & Skill Areas
- Prong 2 findings -- why cases fail
- AB assessment issues
- Recommendations

Assessment Issues
Recommendations

FYI #1:

(1) AAIDD DP Task Force:

"Manual on Appropriate Practices"

FYI #2:
(2) Memo

FYI #1:
(1) AAIDD DP Task Force:
"Manual on Appropriate Practices"

FYI #2:

(2) Meadows Center - UT:

"Disability & Criminal Justice Clearinghouse"

www.meadowscenter.org

Information:
Termination -- prong 2
Investigation uses!! ...
/strength



ID	Topic/Category
Allen/Evans/ Hilder/Hewins/ Peckett/Morgan	

ID	Topic/Category	Citation (APA)	Description	Section	Audience
Allen/Evans/ Hider/Hawkins/ Peckett/Morgan		Allen, D., Evans, C., Hider, A., Hawkins, S., Peckett, H., & Morgan, H. (2008). Offending behaviour in adults with Asperger syndrome. <i>Journal of Autism and Developmental Disorders</i> , 38(4), 748-758.	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 disposals. Additionally, the article describes personal experiences of individuals with Asperger syndrome within these systems.	Adults	law enforcement, mental health professionals
American Association on Intellectual and Developmental Disabilities		American Association on Intellectual and Developmental Disabilities (AAIDD). (2008). Criminal justice: Policy statement. (2009). Retrieved from http://www.aamr.org/content_158.cfm?navID=31	Statement of the American Association on Intellectual and Developmental Disabilities policy concerning the treatment of individuals with intellectual and developmental disabilities in the criminal justice system. Specifically, this statement stresses the need for individuals with these disabilities to have a clear understanding of their rights when they come into contact with the criminal justice system.	Adults	advocacy groups/ attorneys/law enforcement
National Autistic Society		National Autistic Society. (2006). ASDs and involvement in the criminal justice system. Autism Awareness Centre, Inc. Retrieved from http://www.autismawarenesscentre.com/article-library/autism--asperger-syndrome/26-asds-and-involvement-in-the-criminal-justice-system	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.	Adolescents/ Adults	advocacy groups/ law enforcement/ mental health professionals
Barnhill		Barnhill, G. P. (2004). Asperger syndrome: A guide for secondary school principals. <i>Principal Leadership Magazine</i> , 5(3), 11-15.	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.	Adolescents	families/ principals/ teachers
Barnoff		Barnoff, G. S. (2003). Establishing mental retardation	Article explores problems that can arise when classifying	Adults	attorneys/

About the Dropout
Institute

Disability and
Criminal Justice
Clearinghouse

Early Intervention

Secondary
Intervention

Postsecondary
Intervention

Research

Faculty and Staff

DROPOUT PREVENTION INSTITUTE

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

- with wea

Notes on Definition:

- recognized professional dfs
- state deviations [J. Blume et al., 2009]

AB Dom.

AB Domains & Skill Areas:

- AAIDD: 3 areas
- DSM-IV-TR: 11 areas
- what do they mean -- table!

Domain	Skill Area	Description	Example of Skills	Cautions
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	• The quality/depth of friendships is important • Can have girlfriends • May be a leader – typically of younger individuals
	Leisure	Use of non-school or non-work time; indoor & outdoor activities	• Can be taken advantage of/talked into doing things • Seems unaware of the nature of various situations	• Some individuals may be very good athletes

Domain	Skill Area	
	Conceptual	Communication
		Functional Acader

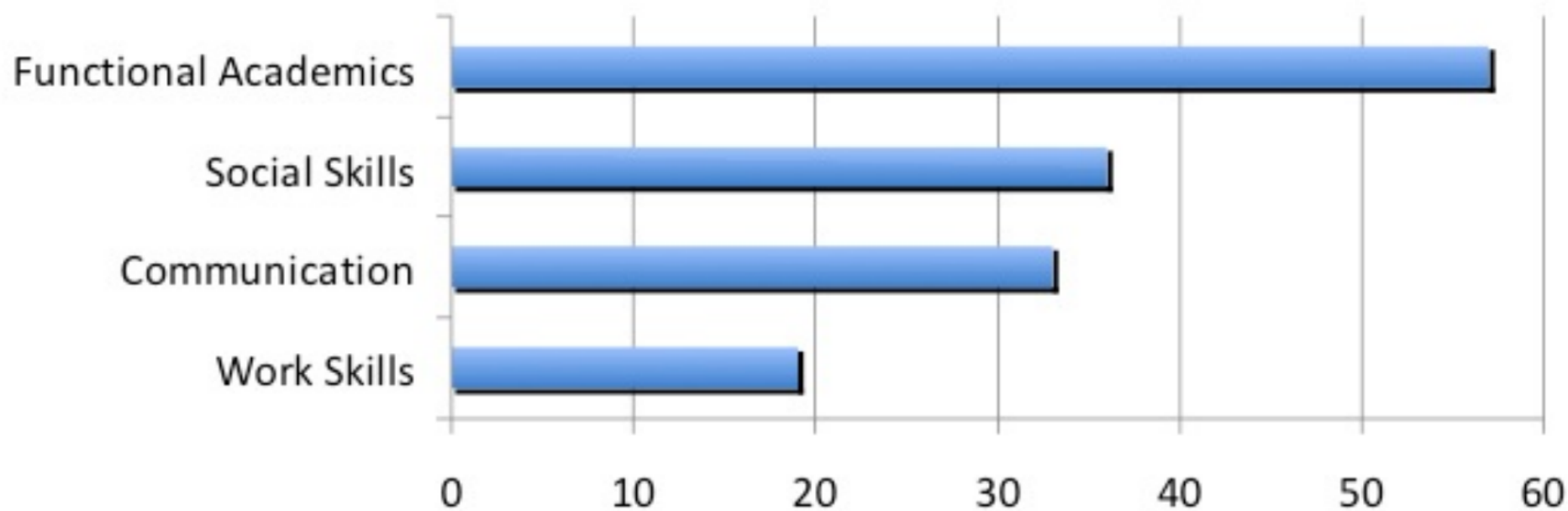
AB Domains & Skill Areas: (cont.)

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

(Blume et al., 2009)

Prong 2: Skill Areas

**Most Frequently Proven Adaptive Deficits
Percent of Winning Cases**



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

Adaptive Behavior Assessment System (ABAS-II)

- Vineland Adaptive Behavior Scales

Prong 2 Findings (Blume et al., 2009)

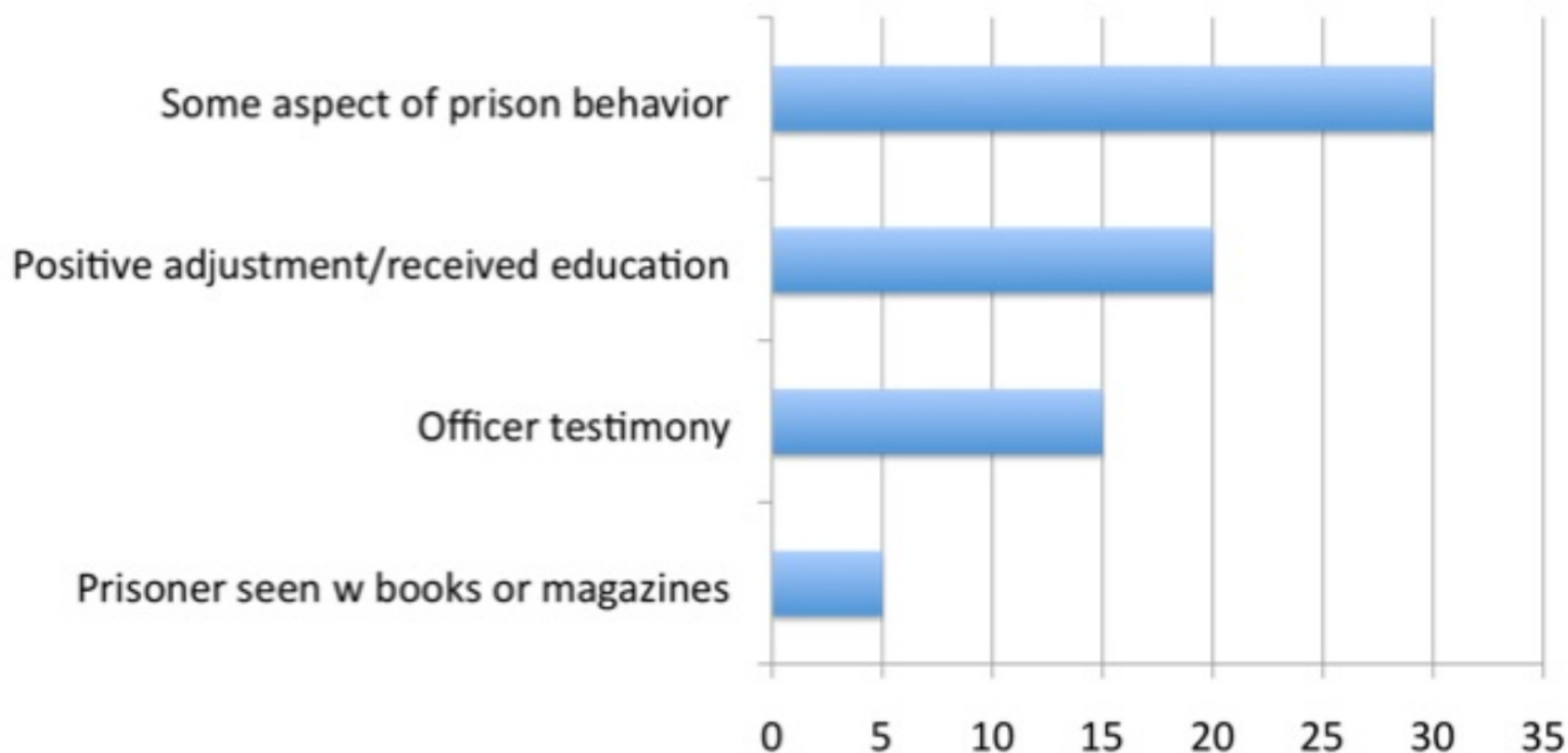
- focus on prison behavior

WHY CASES LOSE

- Reasons court have offered for finding that the defendant has 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 a woman

Prong 2: Behavior in Prison

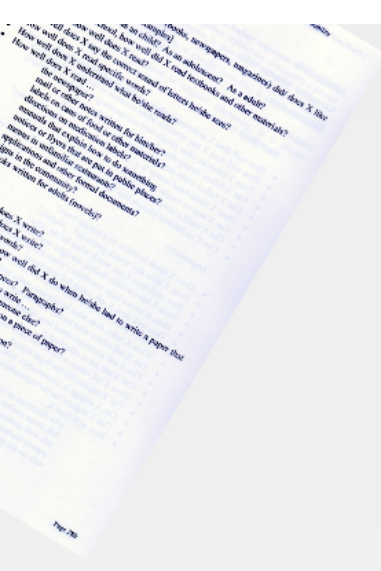
Percent of Losing Claims



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 an 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?

Education and Training in Developmental Disabilities, 2008, 43(4), 421-430

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Individuals with Intellectual and Developmental Disabilities in the Criminal Justice System and Implications for Transition Planning

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TABLE 1

Potential Problematic Characteristics in Criminal Justice System

<i>Characteristic</i>	<i>Description</i>	<i>Example</i>
Gullibility	Phenomenon of being duped or lied to and often involving some degree of victimization	Taken advantage of Talked into doing things for which one does not understand consequences
Acquiescence	Tendency to give in when under pressure	Talked into confessing to crime that did not commit Gives in to repeated questions under interrogation
Naiveté	Inexperienced, credulous	Accepts what someone says without question Does not catch subtlety of situations
Desire to please	Interest in pleasing another	Will do what someone else wants in order to be accepted May say what he or she thinks police want to hear
Concrete thinking	Inability to understand abstract concepts	Does not understand Miranda rights Not likely to recognize seriousness of what he or she is being accused of
Memory issues	Difficulty with short-term memory	Likely to get confused as to complexities of a crime Does not remember details of a situation
Language problems	Difficulty with receptive and expressive language	Does not understand what is being said Cannot articulate what one is thinking or feeling Cannot respond appropriately to critical questions during an interrogation
Social behaviors	Displays certain emotions or feelings	May display a behavior (e.g., laughing) that suggests a lack of remorse at an inappropriate time (e.g., during trial)
Cloak of competence	Attempt to pass as 'normal'	May go to great lengths to deny or hide limitations May cover for co-defendants in an effort to appear strong

Adapted from Patton, J. R., & Keyes, D. W. (2006). Death penalty issues following *Atkins*. *Exceptionality*, 14, p. 241.

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